

INTRADPARTMENTAL CORRESPONDENCE

July 22, 2020
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING FID NO. 045-19

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Honorable Members:

The following is my review, analysis, and findings for Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 045-19. A Use of Force Review Board (UOFRB) was convened on this matter on June 22, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On September 23, 2019, Officers D. Millan, Serial No. 42169, and P. Kisling, Serial No. 43412, Harbor Patrol Division, Unit 5X28, were in full uniform, driving a marked black and white police vehicle, equipped with ballistic door panels and a Digital In-Car Video System (DICVS). Officers Millan and Kisling were both equipped with Body Worn Video (BWV) devices **(Additional/Equipment – Visible Tattoos and Branding)**.

According to the FID investigation, at approximately 1800 hours an assault occurred between two residents within Merle’s Manor II, which consisted of 87 mobile homes identified by individual space numbers and was located at 1000 Figueroa Street. The incident began when Witness G. Carano, who resided on Yellowstone Drive in Space No. 39, was inside his residence with his wife, Witness S. Avalos, and their children. Carano observed his neighbor, David Hernandez,² standing in the carport of Space No. 40 on Yellowstone Drive (David’s residence) one space south of Carano’s residence, removing his clothing and yelling.³ David’s carport faced north towards the Carano residence and door. Carano exited his home and walked towards

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² Herein referred to as “David” throughout the remainder of this report.

³ The FID investigation revealed that David Hernandez was 32 years old at the time of the incident and was described as the battery suspect in this radio call. David had prior felony convictions for Possession of a Firearm, Evading Arrest, and Carrying a Loaded Firearm. David was also on summary probation for methamphetamine possession.

the street to try to calm David down. Carano asked David to put his clothes back on and return inside of his (David's) residence because Carano's family could see David unclothed.⁴

According to the FID investigation, David initiated the assault against Carano. David used his left foot and kicked Carano twice on the right shin. David then struck Carano once on the right side of Carano's head with his left fist. In self-defense, Carano used his fist to strike David on the head and face four times. Observing that his strikes had no effect on David, Carano believed David suffered from mental illness or was under the influence of a substance. Carano observed David's father, Raymond Hernandez,⁵ walking towards them from Space No. 40's driveway area.⁶ Raymond held a black 9-millimeter (mm) handgun in his right hand and fired a round into the air. When Raymond was approximately eight to ten feet from Carano, Raymond lowered handgun down to his waist level and pointed the handgun directly at Carano. Carano placed his hands up at shoulder level and returned to and entered his own residence.

The FID investigation revealed that Witness Avalos had observed the incident and called 9-1-1. The following radio call was broadcast at approximately 1815 hours by Communications Division (CD) and the call was assigned to Officers Millan and Kisling: "*Harbor Units, any Harbor Unit, ADW Shots Fired, 1000 Figueroa, 1-0-0-0 Figueroa, Space No 40. Suspect is a male, has glasses, wearing a white T-shirt. Fired into the air, it's Code Three, Incident 4852; in RD 514.*"

The FID investigation revealed Witness M. Castro, a second witness who also resided at Merle's Manor II, had observed the incident. Witness Castro observed the incident and called 9-1-1 which generated a second CD broadcast at approximately 1817 hours: "*Harbor Units and 5X28, 5X28, Shots fired in the area of 1000 Figueroa Street. 1000 Figueroa Street, Suspect, male, Hispanic, tattoos, completely nude in the middle of the street. PR heard one gunshot, Code 3, Incident No. 4862, RD 514.*" Additional information was broadcast by CD stating that an elderly male was involved in the incident.

According to Officer Millan, it was his *second time* working with Officer Kisling. Officers Millan and Kisling had discussed *tactics* and designated *contact* and *cover* roles prior to this incident. While Officer Millan was driving to the radio call location, Officer Kisling read the comments of the radio call aloud. She advised Officer Millan that one individual was an older male Hispanic wearing a *white shirt* and *glasses* along with a *second suspect* who was *naked*. Officer Millan stated that since they were unaware of *which space to go to* or *which direction* to drive towards, Officer Kisling requested *additional information*.

⁴ According to Carano and Avalos, their 10-year-old daughter and Avalos' parents were also at home at the time of the incident. Carano and Avalos declined to have their daughter and Avalos' parents interviewed by FID investigators.

⁵ Herein referred to as "Raymond" throughout the remainder of this report.

⁶ The FID investigation revealed Raymond Hernandez was approximately 63 years of age at the time of the incident. Raymond had an extensive criminal background which included Possession of a Dangerous Weapon and, at the time, he was on Summary Probation for weapons violations unbeknownst to the arriving police officers.

The following personnel responded to the radio call: Sergeant J. West, Serial No. 34310, Harbor Area Gang Enforcement Detail (GED); Officers S. Byrd, Serial No. 41343, and J. Blanco, Serial No. 41341, Harbor Area GED, Sergeant J. Huett, Serial No. 34679, Harbor Patrol Division; Police Officers M. Vocke, Serial No. 37062, and K. Ramos, Serial No. 42173, Harbor Patrol Division; Police Officers H. Garcia, Serial No. 36589, and C. Lindberg, Serial No. 41649, Harbor Area Vice; and Sergeant M. Knoke, Serial No. 36679, Metropolitan Division. **(Additional/Equipment - Required Equipment).**

According to Officer Millan, he drove into Merle's Manor II, a mobile home park and observed *several citizens standing outside and pointing towards the north end of the trailer park*. Officer Millan *drove northbound inside the trailer park*. An unidentified community member pointed in the direction of a yellow mobile home at Space No. 40. Officer Millan observed a male with a white shirt and blue shorts (later identified as Witness Carano) and asked the community member if Witness Carano was the subject of the radio call. The community member stated "No," and informed Officer Millan that the individual was *inside* of the yellow house. Officer Millan stopped his police vehicle and placed it in park **(Debriefing Point No. 1 - Tactical Vehicle Deployment, Additional Tactical Debrief Topic - Initiating Contact While Seated in a Police Vehicle).**

According to Officer Vocke, he was working with Officer Ramos, who he had worked with approximately two or three times on prior occasions. While driving to the radio call location, Officers Vocke and Ramos discussed *cover and contact and how it changes depending on the situation, traffic stops, foot pursuits*, and how they *will not chase anyone unless they know exactly what they have*. Officer Vocke chose to not drive Code Three to the radio call and therefore did not activate his DICVS. Officer Vocke heard that the radio call was a "*shots fired*" call when CD broadcasted the comments of the call.

According to Officer Blanco, he and Officer Byrd had been partners for approximately *two and a half years* and during that time, had worked in the Harbor Area GED unit together. Officers Blanco and Byrd discussed their roles of *contact and cover* as well as the *officer that is not in contact with an individual would become the cover officer*. Officer Blanco was the passenger officer in a marked black and white hybrid police vehicle.

According to Officer Millan, within *ten seconds after* speaking to witnesses, he observed a naked male walk out of Space No. 40 (later identified as David Hernandez). *Due to the comments of the radio call*, which stated *shots had been fired at the location*, Officer Millan unholstered his service pistol. Officer Millan gave David commands to get on the ground. David followed his commands and began placing himself in a prone position. Officer Millan noticed he and Officer Kisling were in front of their police vehicle and, while still giving David commands, began to redeploy to the east towards another mobile home for cover **(Drawing/Exhibiting, Debriefing Point No. 2 – Utilization of Cover).**

Note: The FID investigation revealed that Officer Millan unholstered his service pistol upon exiting his vehicle, prior to David walking into view.

According to Officer Kisling, she heard the comments of the radio call, which stated witnesses observed a man with a handgun and *witnesses* at the location advised the officers that they did *see a man with a gun*. Officer Kisling believed the situation *could escalate to the point where deadly force would be justified*. Officer Kisling exited her police vehicle upon arrival and utilized her right hand to unholster and draw her service pistol. Officer Kisling maintained her finger *along the frame* of the pistol and held it in a *two-hand low-ready* while initially behind the front passenger side of the police vehicle's door. Officer Kisling initially walked around the front of her vehicle to where Officer Millan was standing. Officer Kisling observed numerous community members walking around the area and communicated to her partner *each time* a community member would exit a nearby mobile home. Officer Kisling observed David nude and jogging to the center of the Yellowstone Drive. Officer Kisling did not see David holding a handgun. As she heard Officer Millan giving David commands, they redeployed eastbound to a nearby mobile home that was southeast of David (**Drawing/Exhibiting**).

According to Officer Byrd, he was responding to Officer Millan and Kisling's location with his partner, Officer Blanco. Officer Byrd was aware of *multiple shootings* which had occurred in the *area* and *had heard the comments* of the "*shots fired*" radio call. Officer Byrd observed *multiple cars* on the *west side* of the *Figueroa* Street and could not *see between the cars*, making him unsure if a suspect was possibly *hiding between the cars* and *waiting to ambush* them. Officer Byrd, while continuing to the location, unholstered his service pistol with his right hand while maneuvering his police vehicle with his left hand. Officer Byrd pointed his service pistol down and, while *looking straight ahead*, placed his service pistol *between his legs*, with his finger *along the frame* (**First Drawing/Exhibiting, Debriefing Point No. 3 – Basic Firearms Safety Rules Operating a Moving Vehicle with a Service Pistol Drawn, Additional Tactical Debrief Topic – Use of Safety Belt, and Additional/Equipment - Duty Ammunition**).

According to Officer Millan, he immediately made his way toward the back of a *trailer* with Officer Kisling.⁷ Officer Millan was positioned at an *angle from the suspect, facing northwest*. Officer Millan observed *another* individual *behind* David (later identified as Witness Carano) and gave Carano *commands* to get back in his house and *out of the way*. Once Carano returned to his own residence, David stood up. Officer Millan *again* gave *commands* to David ordering him *to get on the ground* and *onto his knees*. David followed the direction of Officer Millan. Officer Millan *was aware additional units were responding* to the radio call and held his police radio in his left hand to broadcast *additional information on how to get to the trailer*. Officer Millan also broadcast that David *was not armed* at the moment. Officer Millan also broadcast that David was on the ground at gunpoint (**Debriefing Point No. 2 - Utilization of Cover, Additional Tactical Debrief Topic - Holding Radio in One Hand and a Service Pistol in the Other**).

⁷ The FID investigation revealed the mobile home which the officers used for cover was at Space No. 59, east of their parked police vehicle and southeast of David.

According to Officer Byrd, while driving to the location, he heard a unit broadcast that they had an individual *proned out* and the individual was unarmed. Officer Byrd *holstered* his service pistol and continued driving to the radio call location.

According to Officer Vocke, he arrived at the location and, due to the nature of the call and the “shots fired” comments broadcast, Officer Vocke believed the situation could have risen to the *use of deadly force*. After parking and exiting his police vehicle, Officer Vocke chose to deploy his Patrol Rifle. Officer Vocke chose the Patrol Rifle over his service pistol due to his *distance* from David and to achieve a more accurate shot if necessary. An unknown *resident told* him that *the second suspect was in a yellow house* which was *northwest of* Officer Vocke.⁸ Officer Vocke retrieved his Patrol Rifle from the trunk of his police vehicle and conducted a chamber check. Officer Vocke *chambered a round*, then held the Patrol Rifle in a *port arms* position. Officer Vocke brought his Patrol Rifle to a *low-ready* as he walked to the driver side door of Officers Millan and Kisling’s police vehicle. Before arriving at the door, Officer Vocke returned to the trunk of his police vehicle to *retrieve his vest* containing *extra magazines* for his Patrol Rifle (**Drawing/Exhibiting – Patrol Rifle**).

According to Officer Ramos, he heard the comments of the radio call which stated there was a *possible gun* involved. Officer Ramos believed the situation was going to *escalate to the point where deadly force was necessary*. Officer Ramos exited his police vehicle and unholstered his service pistol. Officer Ramos walked to Officers Millan and Kisling’s police vehicle and stood behind the driver side door. Officer Ramos placed himself and his partner, Officer Vocke, Code Six over Harbor Base Frequency (**Drawing/Exhibiting**).

According to Officer Millan, he observed Officers Vocke and Ramos arrive. Officer Millan told Officer Kisling to stay at the mobile home and to watch David while he walked back to his police vehicle to brief Officers Vocke and Ramos. Officer Millan redeployed to his black and white police vehicle and advised Officers Vocke and Ramos that David was not armed. Officer Millan continued to wait behind his opened passenger door, which he knew to have a *ballistic panel*, until the *third additional unit* arrived so Officer Millan could brief them as well.

According to Officer Byrd, he arrived at the location, exited his vehicle, and walked to the driver side door of Officers Millan and Kisling’s vehicle. Officer Byrd observed David was in a prone position but was *yelling and screaming*. Officer Byrd asked Officer Millan if they had located the *second guy* from the radio call who was *shooting in the air*. After learning that the second individual had not been located, Officer Byrd *unholstered* his service pistol again, believing that the *second suspect* could have been *in one of the residences*. Officer Byrd held his service pistol in a *low-ready position with two hands* and his *finger on the slide*.⁹ Officer Byrd stated he was *in the middle of the door panel* (**Second Drawing/Exhibiting, Debriefing Point No. 2 - Utilization of Cover**).

⁸ The FID investigation revealed the community member was Witness M. Castro.

⁹ BWV depicts Officer Byrd initially standing to the left of Officer Ramos next to the driver side door.

Note: The FID investigation revealed Officer Byrd had already unholstered his service pistol as he walked toward Officer Millan and Kisling's police vehicle.

According to Officer Blanco, he observed David who was naked and in the middle of the street. Officer Blanco immediately exited his police vehicle and went to the trunk. Officer Blanco deployed the 40 millimeter Less-Lethal Launcher (40mm LLL). Officer Blanco walked north towards the opened driver side door of Officers Millan and Kisling's police vehicle. Officer Blanco observed Officers Ramos, Byrd, and Vocke were already utilizing the driver side door for cover. Officer Blanco redeployed to the rear of the police vehicle, towards the passenger side.

According to Sergeant Huett, he arrived at scene and followed a second police vehicle in front of him into the location. While exiting his police vehicle, he observed *Sergeant West and two other* police vehicles at scene. Sergeant Huett observed David standing naked in the middle of the street while officers were giving commands. Sergeant Huett placed himself Code Six and *immediately moved* to the east side of the *farthest right* police vehicle to take a *position of advantage*.¹⁰ Sergeant Huett observed an *officer* there who stated a *civilian* had *additional information*. Sergeant Huett *directed* Officer Vocke to obtain more information from that individual and to ask if he *saw the suspect with a gun* and, if so, where the *suspect was going*.

Note: The FID investigation revealed Sergeant Huett was the first supervisor to arrive at scene. Sergeant West arrived immediately after and within thirty seconds of Sergeant Huett.

According to Sergeant West, he *chose not to respond Code Three due to his close proximity* to the call. Sergeant West arrived at the radio call location and *advised communications that he was Code Six*. Sergeant West approached the officers and immediately observed David in the street, naked and in a prone position, with his feet facing north and his head to the south. Sergeant West formulated a plan of action and met with Sergeant Huett. Sergeant West observed three officers with their service pistols out, standing near the driver side door of Officer Millan and Kisling's vehicle. Sergeant West *wanted to get a less-lethal device deployed and called for the 40mm (Command and Control)*.

Note: The FID investigation revealed Sergeant West's BWV did not capture his request for a 40mm LLL.

According to Sergeant West, while formulating his plan, he observed Raymond exit a mobile home. At that point, Raymond was standing west of David. Sergeant West observed Raymond with *his right hand concealed behind the small of his back and his left hand in the air*. Sergeant West was *immediately fearful that they were going to be involved in a life or death type of situation*. Sergeant West began unholstering his service pistol. Sergeant West's service pistol was *half out* of its holster. Sergeant West *realized his role as a supervisor* in this incident, *snapped up*, and did not completely unholster his service pistol (**Drawing/Exhibiting**).

¹⁰ The FID investigation revealed Sergeant Huett walked northeast, towards Officers Vocke and Ramos's police vehicle.

According to Sergeant Huett, he heard Sergeant West and numerous officers' voices getting louder. Sergeant Huett redirected his attention over to the mobile home and observed Raymond exit and *run towards David*. Sergeant Huett observed Raymond holding his *right hand behind his back* and *refusing to comply* with Sergeant West and the officers' orders to show his hands. Based on the comments of the radio call stating shots had been fired, as well as Raymond's actions, Sergeant Huett drew his service pistol believing the situation would escalate to a *potential use of deadly force (Drawing/Exhibiting)*.

According to Officer Vocke, after returning to his police vehicle's trunk with the intention of getting his vest and additional Patrol Rifle magazines, he observed Raymond walked out of the *yellow trailer* at Space No. 40. Officer Vocke left his vehicle and deployed to the open driver side door of Officers Millan and Kisling's vehicle. As officers gave Raymond commands to show his hands, Officer Vocke observed Raymond was not complying, and it appeared he was possibly *under the influence*. Raymond walked towards David, who was *getting up and down, while chanting and dancing*. Officer Vocke stood west of Officer Byrd who was also at the driver side door. Officer Vocke requested a 40mm LLL to come up and deploy on Raymond since that weapon system was *target specific for the distance* they had from Raymond and David (**Debriefing Point No. 2 - Utilization of Cover**).

Note: The FID investigation revealed that in addition to Officer Vocke's request for a 40mm LLL, Officer Ramos also requested one. Officer Ramos turned to Officer Blanco and told Officer Blanco to get the 40mm LLL.

According to Officer Millan, he was standing behind the cover of his police vehicle's passenger door when he observed the second male, Raymond, described in the radio call comments. Raymond exited *trailer number 40*, the *same trailer* that David had come from, and was wearing a *white or gray shirt with glasses*. Officer Millan perceived approximately three to five minutes had passed from first seeing David to the point that Raymond appeared. Raymond started walking *southbound towards* Officer Millan. Raymond held his *right hand behind his back* and used his *left hand* to gesture to David. Officer Millan believed Raymond was gesturing to make David *get behind him to protect him*. Officer Millan gave them both commands to show their hands. However, neither Raymond nor David had *even acknowledged* the commands at that point (**Additional Tactical Debrief Topic - Simultaneous Non-Conflicting Commands**).

According to Officer Byrd, he began giving Raymond commands to show his hands. Officer Byrd heard both Raymond and David swearing at the officers and screaming. Officer Byrd ordered both of them to get down on the ground to which they did not respond (**Additional Tactical Debrief Topic - Simultaneous Non-Conflicting Commands**).

According to Officer Blanco, he observed Raymond exit the radio call location while concealing his right arm behind his back. After seeing officers already standing at the driver side door, Officer Blanco began to redeploy *from the left side* of the police vehicle to *the right* passenger side. Officer Blanco *knew something was not right* since it was *not common* for individuals to be *hiding their hands behind their back*. Officer Blanco also knew it was *common* for individuals to *hide their hands when armed*. Officer Blanco set down his 40mm LLL in front of him and

unholstered and drew his service pistol. Officer Blanco gave Raymond commands in Spanish to get him to comply but received no response (**Drawing/Exhibiting, Debriefing Point No. 3 - Basic Firearms Safety Rules, Additional Tactical Debrief Topic - Holding Service Pistol in One Hand and a 40mm LLL in Other and Designated Less-Lethal Duties/Maintaining Control of Equipment**).

According to Officer Vocke, Raymond was facing in Officer Vocke's direction as he began placing himself behind David, to *use him as a shield*. Raymond held his right hand *behind his back, out of view*, and was *standing behind* David when he took a *half* of a *right step, exposing the right side of his body*. All in one motion, Raymond *swung* his right hand from his *back* towards his *right hip* and *produced a black semi-automatic handgun*. Raymond started *punching* the handgun out into the direction of Officer Vocke. Officer Vocke utilized his Patrol Rifle *to stop the threat* and fired his first round at Raymond's *center body mass*, on his *right side*, to avoid hitting David, who was unarmed. Officer Vocke was unsure if Raymond was *stumbling from being shot* or if he was *deliberately walking out*. Officer Vocke observed Raymond's body was *almost completely out from behind* David. Officer Vocke observed Raymond's handgun *still out in front of him* and pointing it in the direction of the officers. Officer Vocke fired a second round from his Patrol Rifle. Officer Vocke observed Raymond was still holding a handgun and pointing it out in front of himself and in the direction of the officers. Officer Vocke observed Raymond was starting to go down to his left knee but was still holding the handgun in his right hand and pointing it in Officer Vocke's direction. Officer Vocke fired a third round at Raymond's center body mass. Officer Vocke believed he fired a total of *three or four rounds*. At this point, Officer Vocke observed that Raymond was down and no longer pointing the handgun at the officers. Officer Vocke stopped firing (**Lethal Force**).

Note: The FID investigation revealed Officer Vocke fired a total of five rounds from his Police Rifle in one sequence from an approximate distance of 53 feet.

According to Officer Byrd, he observed that Raymond's right hand was concealed behind his back and that Raymond stood behind David. Raymond *stepped approximately a foot or two away* from David and *removed* his right hand from his *back*. Officer Byrd observed the *muzzle* of Raymond's handgun pointed in Officer Byrd's direction. Officer Byrd believed he was *going to get shot*. Officer Byrd stated his *head was exposed* as a result of his height even though he was standing behind a police vehicle door. Officer Byrd utilized his service pistol and fired his first sequence of rounds to stop the *deadly threat*. Officer Byrd believed he fired *two to three shots* in this sequence towards Raymond's *direction at his center mass near his upper torso* (**Lethal Force – First Volley**).

According to Officer Byrd, due to his head being *exposed* and to avoid getting *shot in the head*, he adjusted his position by kneeling down onto his right knee. Officer Byrd transitioned to his knee as he simultaneously *fired three to four additional rounds at Raymond's upper torso, center mass*. Officer Byrd stated Raymond was approximately *twenty to twenty-five feet* away from him. Between firing rounds three and four, Officer Byrd observed his rounds were making contact (**Lethal Force – Second Volley**).

According to Officer Byrd, he replied “Yes,” to FID Detectives when asked if Raymond was still standing after Officer Byrd’s third round of his second sequence was discharged. Additionally, after noting Raymond was still standing between the third and fourth discharged round, Officer Byrd shot his fourth round, then stopped, and *assessed*. Officer Byrd noted that Raymond no longer had a handgun in his hand and stopped firing.

Note: The FID investigation revealed Officer Byrd fired two volleys for a total of eight rounds from an approximate distance of 52 feet.

According to Officer Byrd, prior to the OIS, he did not *see any civilians* towards *the naked guy and the guy with the firearm*. Officer Byrd *did not see any civilians in the background* at all or *sitting in a car* or in *any windows or anything*.

According to Officer Millan, he observed David stand up. Raymond walked *behind* David as he kept his right hand *behind his back*. Officer Millan was *unable to see* what Raymond had in his hand. Officer Millan observed Raymond step, *kind of like going around* David, and *towards the officers*. Officer Millan saw Raymond bring his *right hand* around, and in *front of him*. Officer Millan observed that Raymond was holding a *black handgun* and was *pointing the gun* at him. Officer Millan *feared for his life* and *made the decision to protect* himself and the other *officers* from the imminent *threat*. Officer Millan was behind the ballistic panels of his police vehicle’s passenger door, while sitting on the passenger seat with his *right leg on the ground* and his *left leg inside the police vehicle*. Officer Millan fired five rounds from an approximate distance of twenty-five to thirty feet. After the fifth round, Officer Millan *assessed* and observed *the threat was no longer there* since Raymond’s handgun was *down* and Raymond was *collapsing to the ground (Lethal Force)*.

Note: The FID investigation revealed Officer Millan fired nine rounds in one volley from an approximate distance of 51 feet.

According to Officer Blanco, after the OIS occurred, David began walking back to his yellow mobile home. Officer Blanco gave David commands to get onto the floor to prevent David from fleeing. Officer Blanco observed David was approximately *five to six feet away* from Raymond, who was laying on the ground and not moving. Officer Blanco observed Raymond’s handgun on the ground, next to Raymond. Officer Blanco holstered his service pistol and picked up his 40mm LLL from the ground in front of him (**Debriefing Point No. 3 - Basic Firearms Safety Rules**).

According to Sergeant West, after the OIS occurred, he advised the officers to be *mindful* of David, who was still *downrange*. Sergeant West observed Raymond’s handgun was *in front* and about *one to one and a half feet away* from his hand. Believing they *needed to get downrange and put separation between the weapon and David*, Sergeant West ordered the officers to not move or touch Raymond’s handgun. After officers gave David commands to get onto the ground, Sergeant West observed David was in a prone position and complying with the officers’ orders (**Additional/Equipment - Profanity**).¹¹

¹¹ The FID investigation revealed Sergeant West broadcast a “shots fired, officer needs help” call immediately after the officers ceased fire.

According to Sergeant Huett, after the OIS occurred, he *immediately holstered his* service pistol. Sergeant Huett observed Officer Kisling position herself *farther east* along the mobile home. Sergeant Huett noticed Officer Kisling was *too far back and wanted her move west towards the corner of the trailer to get a better vantage point on the target location*. Sergeant Huett unholstered his service pistol, post OIS, to *advance* to Officer Kisling's position while covering the target location. Upon reaching Officer Kisling's position and redeploying to a *better vantage point with her, he re-holstered his* firearm. Sergeant Huett then redeployed back towards Sergeant West and the officers as they approached Raymond and David. Sergeant Huett requested a Rescue Ambulance (RA) for Raymond and an *airship*. Sergeant Huett directed the officers to cover the target location **(Drawing/Exhibiting)**.¹²

According to Officer Kisling, she remained behind the mobile home during the OIS because she did not want to be out in the open in the event Raymond had a handgun. Therefore, she stayed along the *northeast corner for cover*. After the OIS occurred, Officer Kisling moved forward, in a western direction along the mobile home, and advised officers that it appeared the handgun was no longer in Raymond's hand **(Additional Tactical Debrief Topic - Tactical Communications)**.

According to Officer Garcia, he and his partner, Officer Lindberg, had worked together for approximately three weeks. Officers Garcia and Lindberg had discussions in the past, and on the day of the call, about wearing a ballistic vest and a raid jacket. Officers Garcia and Lindberg discussed Officer Garcia being the contact officer and Officer Lindberg would be the cover officer. Officer Garcia discussed with Officer Lindberg that they were going to put their vests and raid jackets on upon arriving at the radio call location. Officer Garcia utilized his Mobile Digital Computer (MDC) to notify the Radio Transmission Officer (RTO) that they were responding and requested to be placed enroute to the radio call **(Additional Tactical Debrief Topic - Updating Status)**.

According to Officer Lindberg, he heard approximately *ten gunshots* upon arriving at the location. Officer Lindberg believed the tactical situation could have *easily escalated to the point of deadly force*. Officer Lindberg unholstered his service pistol and took cover at Officers Millan and Kisling's passenger side door. Officer Lindberg observed a handgun approximately *three feet away* from Raymond, who was laying on the ground and *bleeding*. Officer Lindberg heard Sergeant West direct officers to form a contact team and joined them, along with his partner, Officer Garcia. Officer Lindberg turned to Officer Millan, who was also on the contact team, and stated he was going to approach Raymond and provide cover while Officer Millan handcuffed him **(Drawing/Exhibiting)**.

According to Officer Garcia, he heard the comments of the call indicating a male *was shooting into the air*. Upon arriving, Officer Garcia heard gunshots and observed a male laying on the ground. Officer Garcia also observed a handgun near Raymond. Officer Garcia believed David, who was *not listening* to commands, could have *easily grabbed the gun too*. Unsure if Raymond would *grab the handgun*, Officer Garcia unholstered his service pistol and took cover at Officers Millan and Kisling's police vehicle driver side door **(Drawing/Exhibiting)**.

¹² The FID investigation revealed Officers Millan and Kisling were directed to cover the yellow mobile home at Space No. 40, which Raymond and David had exited after being involved in the OIS.

Note: The FID investigation revealed Officers Garcia and Lindberg's Incident Recall indicated their Code Six arrival time was approximately 1837:25 hours.

According to Officer Millan, he heard officers behind him forming a contact team. Officer Millan observed a group of three officers on his right side begin their approach towards Raymond. Officer Millan followed behind as the fourth officer on the team. During the approach, Officer Millan overheard Sergeant Huett request an RA for Raymond. Officer Millan stopped to take Raymond into custody while the other officers proceeded towards David to take him into custody. Officer Millan holstered his service pistol while Officer Lindberg remained unholstered, providing cover for Officer Millan. Officer Millan observed Raymond had blood on his shirt near *the left side* of his *chest* and *was not breathing*. Officer Millan turned Raymond over and handcuffed both of Raymond's hands behind his back. After placing handcuffs on Raymond, Officer Millan placed Raymond on his *left side* in a recovery position. Officer Millan utilized his left hand to place it on Raymond's neck to *check for a pulse* but did not feel a one. Officer Millan stood next to Raymond until relieved from Sergeant Knoke, who advised Officer Millan to move to a position of cover next to, and facing, Space No. 40. Officer Millan unholstered his service pistol, post OIS, and covered the rear of Space No. 40, while Raymond remained in his original position with Sergeant Knoke (**Additional Tactical Debrief Topic - Determining Death, Additional/Equipment - Personal Protective Equipment and Profanity**).

According to Officer Vocke, after Raymond *went down*, David still needed to be taken into custody. Officer Vocke approached David while maintaining his Patrol Rifle at a *low-ready* and observed David place himself into a prone position on the ground. Once Officer Vocke observed other officers approaching David to take him into custody, Officer Vocke turned his focus onto Space No. 40 in the event additional suspects were to exit the residence. Officer Vocke heard David struggling but did not look over to see what was occurring. Officer Vocke was *walked backwards* with the assistance of Sergeant West, who was *pulling back* on Officer Vocke's *belt*, *reassessing* the situation, *and making a plan to clear the rest of the house* (**Debriefing Point No. 3 - Basic Firearms Safety Rules**).

According to Officer Blanco, he moved forward with Officer Byrd and Officer Ramos. Officer Blanco held his 40mm LLL at a low-ready while Officer Byrd and Officer Ramos attempted to place handcuffs on David, who was lying in a prone position. Officer Blanco observed David *resisting* and therefore requested one additional officer to assist Officers Byrd and Ramos. Officer Garcia responded and approached on David's right side while Officer Blanco held his position (**Debriefing Point No. 3 - Basic Firearms Safety Rules**).

According to Officer Ramos, he approached David, who was facing *stomach down* on the ground. Officer Ramos was on David's left side and began his attempt to place handcuffs on David. Officer Ramos observed that David had placed his right arm underneath his body to avoid being handcuffed. Officer Ramos used *a firm grip* to *take control* of David's *left arm and left wrist* to place the *handcuffs on his left wrist*. Officer Ramos then utilized his *upper torso and arms to gain leverage* by utilizing bodyweight on David's *left arm*. Officer Ramos obtained *control* of David's *left wrist* and placed a handcuff on it (**Non-Lethal Use of Force**).

According to Officer Byrd, he utilized his right hand to place his handcuffs on David's right wrist and *placed his left knee* onto David's back. Officer Byrd stated he utilized a "three points of contact" approach that he learned during Department training.¹³ David began *resisting* by placing both of his hands on his *chest area* while *facing the ground*. Officer Byrd utilized *force to keep David's right hand up*. As David continued resisting, David attempted to place his arms under his chest. Officer Byrd kept his right hand on David's wrist while trying to *lock out* David's elbow, so David would stop resisting. Officer Byrd realized he *was slipping off* David because David was *sweating*. Officer Byrd utilized his own bodyweight by *laying on* David. David continued to resist and kept his hands underneath his chest. Officer Byrd believed there *was a third suspect* nearby and Officer Byrd was in the *danger zone* where *rounds* could be fired at him. Officer Byrd believed he needed to quickly take David into custody. Officer Byrd utilized his *left elbow multiple times to strike* David in the *front and back* of his head to *loosen him* (David) up. Officer Byrd also utilized his right elbow to strike David *once or twice* more. Officer Byrd grabbed David's *right arm* and successfully connected both handcuffs together **(Non-Lethal Use of Force)**.¹⁴

According to Officer Garcia, as he began to move to David's legs to take control of them, he heard another Officer ask for help with David's *upper torso area*. Officer Garcia approached the *right side* of David's body and attempted to utilize a firm grip on David's right arm, which *was tucked under his body*. However, David slipped out of Officer Garcia's grip due to him being *sweaty*. Officer Garcia gave David commands to stop resisting but David did not comply. Officer Garcia utilized his *right knee* to apply two distraction strikes to David's right upper rib and shoulder area; however, David continued to resist the officers. Officer Garcia utilized two additional strikes to David's upper rib area. Officer Garcia observed it had no effect on David. Officer Garcia utilized one additional strike to David's upper rib area. David *gave up* and was taken into custody **(Non-Lethal Use of Force)**.

According to Officer Lindberg, he utilized his right knee to apply bodyweight to David's rear *thigh, above the knee*. David was very strong and was able to still lift his legs up. Officer Lindberg wrapped his arms around David's legs and crossed David's ankles. Officer Lindberg was given a hobble restraint device (HRD) and assisted in placing it around David's ankles. Officer Lindberg pulled the HRD's strap and tightened it **(Non-Lethal Use of Force)**.

According to Officer Byrd, he was concerned for his safety as he stood in the middle of the street struggling with David in front of the unsearched mobile home at Space No. 40. Officer Byrd told Officers Lindberg and Ramos to grab David's legs, so they could get David to the police vehicle. Officer Byrd took hold of David's left side while Officer Ramos took hold of David's right side. Officer Lindberg grabbed David's legs and they carried him to Officer Vocke's police

¹³ Technique to take an individual into custody by simultaneously pinning their torso, an arm, and securing a wrist lock for the purpose of handcuffing a resistant individual (LAPD ARCON Manual, Updated September 2017).

¹⁴ The FID investigation revealed investigators were unable to determine the precise number of elbow strikes delivered by Officer Byrd.

vehicle. After placing David on the ground, Officer Byrd ran back to Sergeant West to assist with the search of the mobile home at Space No. 40.

According to Sergeant West, he was aware of the *tactical concern* of having officers *exposed* because they were *standing in front of the trailer where Raymond had just exited*. Sergeant West positioned Officer Vocke to a *position of advantage by covering the right window* of the mobile home, which *faced out* towards contact team. Sergeant West had the *other officers* approach and *stage on the left side* of the mobile home to *cover down the left-hand side* of the mobile home.¹⁵ Sergeant West positioned Officer Byrd to the *right side* of the mobile home in order to *establish a quasi-horseshoe perimeter around the front* of the premise; however, Sergeant West observed officers on the left not utilizing cover. Sergeant West unholstered his service pistol and took a *position of cover* next to the officers on the left. After readjusting the officers, Sergeant West re-holstered (**Drawing/Exhibiting**).

According to Sergeant West, he formed a team after David was taken into custody. The team was made up *mostly* of his *gang officers*. While making his tactical plan, Sergeant West observed the *blinds open* from inside the mobile home and a *female Hispanic* appeared at the window. Sergeant West ordered Officer Vocke to *sidestep* to get out of the line of sight from the mobile home. Sergeant West ordered the officers covering the mobile home to have the female exit and to *get her away from the scene*. Sergeant West observed the female exit the mobile home and was removed from the area (**Additional/Equipment - BWV**).¹⁶

The FID investigation revealed Sergeant Huett broadcasted a request over Harbor Base Frequency for additional units to conduct the search and provide rear containment. Officers T. Morgan, Serial No. 41122, and K. Chavez, Serial No. 41195, Harbor Area GED, responded to the help call, and arrived at approximately 1823:58 hours, after the OIS. Officers Morgan and Chavez assisted with the search of the residence but were not involved in the OIS incident. Therefore, they were not interviewed.

According to the FID investigation, Sergeant West assembled a search team after the OIS, which included Sergeant West, Officers Vocke, Blanco, Byrd, Morgan, and Chavez to search the location after the OIS. They entered and cleared the residence without incident. No additional victims or suspects were located inside of the residence (**Protocols Subsequent to a CUOF**).¹⁷

According to Sergeant West, he and a team of officers made entry to conduct a *protective sweep, looking only for either live individuals or either downed individuals based off the comments of the call that we had*.¹⁸ The officers completed their search and found no victims.

¹⁵ The FID investigation revealed the Officers covering the left side of the mobile home were Officers Millan and Kisling. The left side of the mobile home would be the south side of the mobile home.

¹⁶ The FID investigation revealed Officer Garcia escorted the female who was later identified as V. Hernandez and was Raymond's mother and David's grandmother.

¹⁷ The search team that entered the residence in Space No. 40 consisted of Sergeant West and Officers Vocke, Blanco, Byrd, Morgan, and Chavez.

¹⁸ The search team the entered Space No. 40 consisted of Sergeant West and Officers Vocke, Blanco, Byrd, Morgan, and Chavez.

According to Officer Garcia, he holstered his service pistol when he took the female from the residence, by the hand. Officer Garcia stated she was confused and did not know where to go so he began *guiding her to a safe zone*. Officer Garcia *stayed with her and gathered additional information* regarding the layout of the dwelling then relayed that information to Sergeant Huett.

According to Sergeant West, he was informed by the officers on the team that the *residence was secure*, and no victims were located. *As the officers exited the trailer*, Sergeant West received a phone call from his Commanding Officer and deactivated his *BWV*. After he completed his phone conversation and notifications, Sergeant West reactivated his *BWV* (**Additional/Equipment - BWV**).

The FID investigation revealed that at approximately 1828:39 hours, Sergeant Huett's *BWV* captured him advising CD that it was not yet clear for the Los Angeles Fire Department (LAFD) to enter the scene. At approximately 1846:48 hours, after the search of the mobile home was complete, Sergeant Huett broadcast it was clear for LAFD personnel to enter the scene (**Command and Control**).

The FID investigation revealed Sergeant B. Hearn, Serial No. 31170, Harbor Patrol Division, had been acting as the Watch Commander and responded to the location. Upon his arrival, he gathered information from Sergeant West and Huett at scene and took Public Safety Statements (PSS) from Officers Vocke, Millan, Kisling, Byrd, Blanco, and Sergeant West. Sergeant Hearn monitored Sergeants West and Huett as well as Officers Blanco, Ramos, and Kisling. Sergeant J. Talmage, Serial No. 34671, Harbor Patrol Division, responded to the location and took Officer Ramos's PSS (**Additional/Equipment – Protocols Subsequent to a Categorical Use of Force**).

The FID investigation revealed that the following supervisors were involved in the monitoring of the involved officers: Lieutenant M. Loomis, Serial No. 27794, Harbor Patrol Division, Sergeant W. Manlove, Serial No. 36232, Harbor Patrol Division, Sergeant P. Davidson, Serial No. 31105, Harbor Patrol Division, and Sergeant M. Cardona, Serial No. 33905, Harbor Patrol Division (**Additional/Equipment – Watch Commander's Daily Report**).

The FID investigation revealed that at approximately 1825 hours, LAFD RA No. 38, staffed by Firefighter/Paramedic (FF/PM) Wells and Lopez, received an alarm to respond to the location. At approximately 1849 hours, they arrived and rendered aid to Raymond, who was pronounced dead at scene at approximately 1855 hours. Los Angeles Fire Department RA No. 85, staffed by FF/PM Hernandez and Rankell arrived at scene to assess David. David was subsequently transported to Kaiser South Bay Hospital where he was treated for abrasions to his forehead and placed on a 72-hour psychiatric hold.

On September 26, 2019, Los Angeles County Department of Medical Examiner-Coroner, Deputy Medical Examiner Doctor Vadims Poukens, performed a post-mortem examination of Raymond's remains. Doctor Poukens determined that Raymond sustained seven gunshot wounds. The wounds are numbered from front to back, but do not constitute the order in which they were sustained.

Gunshot Wound No. 1 entered the right side of Raymond's chest. The direction of the wound was front to back and right to left. There was no exit wound. There was no soot identified; however, there was pseudo stippling present. A few small projectile fragments were recovered from Raymond's chest. Doctor Poukens concluded that this wound was fatal.

Gunshot Wound No. 2 was a graze wound to Raymond's right flank/hip. There was no soot or stippling present. The direction of the wound is unknown.

Gunshot Wound No. 3 was a through and through gunshot wound that entered Raymond's right hip and exited his right thigh. The direction of the wound was right to left and downward. There was no soot or stippling present. There was no projectile recovered. Doctor Poukens concluded that this wound was not fatal.

Gunshot Wound No. 4 was a graze wound to Raymond's left wrist. The direction of the wound was unknown. There was no soot or stippling present.

Gunshot Wound No. 5 was a graze wound to Raymond's left wrist. The direction of the wound was unknown. There was no soot or stippling present.

Gunshot Wound No. 6 was a through and through gunshot wound that entered the front of Raymond's left hand, at the base of his pinky finger, and exited the back of his left hand. The direction of the wound was front to back. There was no soot or stippling present, and no projectile was recovered. Doctor Poukens concluded that this wound was not fatal.

Gunshot Wound No. 7 entered the right side of Raymond's back. The direction of the wound was back to front and right to left. There was no exit wound. There was no soot or stippling present. A few small projectile fragments were recovered from Raymond's chest. Doctor Poukens concluded that this wound was fatal.

Criminalist A. Woiwode, Serial No. N4427, Forensics Science Division (FSD), identified a total of 14 bullet pathways. Three pathways were located on an artificial rock and lamp post, were consistent with south to north and west to east directionality. The directionality of a pathway on a plant was not able to be determined due to the nature of the surface impacted. The pathway on a carport post of the trailer in Space No. 45, was consistent with a south to north directionality. The pathway observed on the south exterior wall of the trailer in Space No. 37 was consistent with south to north and west to east directionality. The pathway observed on the south exterior wall of the trailer in Space No. 37 was consistent with a south to north directionality. The pathway observed on the rear of a Nissan van that was parked adjacent to the trailer in Space No. 38 was consistent with south to north and east to west directionality. The pathway observed on the east exterior wall of the trailer in Space No. 38 was consistent with south to north and east to west directionality. The pathways observed on the south exterior wall of the trailer in Space No. 38 were consistent with south to north directionality. The pathways observed on the south exterior wall of the trailer in Space No. 38 were consistent with south to north and east to west

directionality. The pathway observed on the window awning of the south exterior wall of the trailer in Space No. 38 was consistent with south to north and east to west directionality.

Firearms Examiner Srinivasan Rathinam, Serial No. N3851, FSD, documented results from a type and caliber analysis examination. Examiner Rathinam compared bullets that were recovered during the crime scene investigation and the items recovered during the post-mortem examination with test fires from Officers Millan and Byrd's pistol and Officer Vocke's rifle. Examiner Rathinam determined the following: The fired bullet recovered inside the kitchen of the trailer in Space No. 37, was consistent with the test fire from Officer Byrd's pistol. The fired bullet that was recovered from the driveway east of the trailer in Space No. 41, along with the fired bullet that was recovered from the living room inside the trailer of Space No. 38, were consistent with the test fire from Officer Millan's pistol. A fired bullet fragment that was recovered during the post-mortem examination of Raymond was consistent with the test fire from Officer Vocke's rifle.

According to Officer Byrd, prior to the OIS, he did not *see any civilians towards the naked guy and the guy with the firearm*. Officer Byrd *did not see any civilians in the background at all or sitting in a car or in any windows or anything*.

FINDINGS

Tactics – Administrative Disapproval, Sergeants West and Huett along with Officers Vocke, Byrd and Blanco. Tactical Debrief, Officers Ramos, Millan, Kisling, Garcia, and Lindberg.

Drawing/Exhibiting – Out of Policy, Administrative Disapproval, Officer Byrd (First Drawing/Exhibiting) and Sergeant Huett. In Policy, No Further Action, Sergeant West, along with Officers Vocke, Ramos, Millan, Kisling, Byrd (Second Drawing/Exhibiting), Blanco, Garcia, and Lindberg.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Byrd, Ramos, Garcia, and Lindberg.

Lethal Use of Force – In Policy, No Further Action, Officers Vocke, Millan, and Byrd.

ANALYSIS¹⁹

Detention

Uniformed officers received a radio call of a “shots fired” at 1000 Figueroa Street. Upon arrival, the officers were met by David who was naked and standing in the middle of the street in front of his residence. The officers gave David commands to place himself in a prone position. David did so, and the officers waited for additional units. After additional units responded, the officers

¹⁹ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

briefed the additional personnel on the incident. While doing so, Raymond exited his residence with his right arm concealed behind his back and walked towards David. Raymond stood behind David and produced a handgun from behind his back. Raymond pointed the handgun at the officers resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Millan and Kisling had discussed tactics and designated contact and cover roles prior to arriving at the radio call location. While enroute, they also discussed the comments of the radio call with each other and requested additional information.

Officers Vocke and Ramos, while driving to the radio call location, discussed cover and contact roles. Officers Blanco and Byrd discussed their roles of contact and cover as well as determining that the officer that is not in contact with an individual would become the cover officer.

According to Sergeant West, he arrived and began formulating a plan of action and met with Sergeant Huett to gather information. Sergeant West called for a less-lethal device to be deployed.²⁰

According to the FID investigation, Sergeant West coordinated with Sergeant Huett by compiling one team of officers to remain on the south side of the trailer and one search team to make entry. Sergeant West led the search team, which included some of the officers involved in the OIS, into the mobile home to clear it for possible downed individuals, rather than utilize or request uninvolved officers to conduct the warrantless search. Neither Sergeant West nor Sergeant Huett addressed Raymond's location or his removal from in front of the mobile home at Space No. 40. Sergeant West ensured a RA had already been requested.

Officers Garcia and Lindberg discussed donning their ballistic vests and a raid jackets over their plain-clothes attire, so they would be properly identified as police officers and not be confused as civilians. Officers Garcia and Lindberg also discussed the topic of contact and cover with Officer Garcia being the contact officer and Officer Lindberg being the cover officer.

Assessment – Upon his arrival, Officer Byrd assessed the scene and observed only one of the described individuals (David) from the radio call. Officer Byrd asked Officer Millan if they had located the second individual (Raymond) described in the radio call as shooting a handgun into the air.

Officer Vocke assessed after firing his final round and observed Raymond was down and no longer pointing the handgun at the officers so Officer Vocke ceased firing.

Officer Byrd fired his fourth round then stopped and assessed. Officer Byrd noted that Raymond no longer had a handgun in his hand and stopped firing.

Officer Millan, after firing all five rounds, assessed and observed the threat was no longer there since Raymond's handgun was down.

After the OIS occurred, Sergeant West assessed the situation and advised the officers to be mindful of David, who was still downrange. Sergeant West observed Raymond's handgun was about one to one and a half feet away from Raymond's hand and Sergeant West assessed the distance from David to Raymond's handgun on the ground. After his assessment, Sergeant West moved forward with his contact team to take David into custody.

²⁰ The UOFRB noted that Sergeant West's statements and recollections were not supported in the investigation and by BWV. Sergeant West did not formulate a plan, nor did he communicate this information to Sergeant Huett.

Sergeant Huett arrived and observed Officer Vocke gathering information from a nearby witness. Sergeant Huett directed Officer Vocke to obtain more information from the witness to ascertain if the witness had observed a handgun. Unaware Officer Blanco had already deployed a 40mm LLL, Sergeant Huett requested a beanbag shotgun. While Sergeant West made his approach with the contact teams, Sergeant Huett observed Officer Kisling position herself farther east along the mobile home. Sergeant Huett assessed that Officer Kisling was too far back and had her redeploy west towards the corner of the mobile home to get a better vantage point on the target location.

Time – Officers Millan and Kisling utilized time to their advantage by not attempting to approach David prematurely. Officer Millan attempted to communicate with David to de-escalate the situation, which provided the officers time until additional units arrived.

Responding Officers Byrd, Blanco, Vocke, Ramos, and Sergeants West and Huett all utilized time to formulate plans and make their approach after the OIS occurred.

Raymond unexpectedly exited the residence and produced a handgun, which reduced the amount of time the officers had to continue to de-escalate the incident.

Redeployment and/or Containment – Realizing he was not in a beneficial position of cover, Officer Millan immediately made his way toward the back of a residential mobile home with Officer Kisling while communicating with David.²¹ Officer Millan was positioned offset and at an angle from the suspect, facing northwest.

Upon his arrival, Sergeant West believed it was a tactical concern to have officers exposed while standing in front of the mobile home where Raymond had just exited. Sergeant West positioned Officer Vocke to a position of advantage by covering the right window of the mobile home, which faced out towards the contact team.

Aware of his foreground consisting of Officers Vocke, Byrd, and Ramos, Officer Blanco began to redeploy from the left side of the police vehicle to the right, passenger side.

Sergeant Huett assessed officers' positions and noted that Officer Kisling was too far to the east and had her redeploy west towards the corner of the mobile home for a better vantage point on the target location.

Lines of Communication – Officer Millan gave numerous commands to David and Raymond throughout the incident to de-escalate the situation. Officer Millan directed David to get on the ground and onto his knees. Aware of additional units responding to the radio call, Officer Millan took hold of his police radio and broadcast pertinent information to guide responding officers to their location. Officer Millan broadcast that David was on the ground, was not armed, and that they had him at gunpoint. Officer Millan communicated to Officer Kisling and told her to stay at

²¹ The FID investigation revealed the mobile home which the officers used for cover was at Space No. 59, east of their parked police vehicle and southeast of David.

the mobile home and to watch David while he walked back to their police vehicle to brief Officers Vocke and Ramos. Officer Millan continued to wait behind his opened passenger door's ballistic panel until the third additional unit arrived to brief them.

Officer Blanco attempted to communicate with Raymond and gave him commands in both English and Spanish to get him to comply. Officer Byrd also gave Raymond commands to show his hands.

Sergeant Huett utilized his radio for communicating additional information and directed officers at scene to obtain additional information from the witnesses. Sergeant Huett broadcasted a request over Harbor Base Frequency for additional units to conduct the search and provide rear containment.

Sergeant West communicated with the officers at scene during his assessment of the incident, although he did not assign specific roles.

The UOFRB noted, and I concur, that due to the rapidly unfolding nature of this incident, the officers had limited time to react to the deadly actions of Raymond. The sergeants and officers at scene were required to make decisions that took into account their background, the quickly evolving actions of David and Raymond, and the officers' own safety. Officers Millan, Byrd, and Vocke's assessment and utilization of time also prevented David from being harmed and from Raymond endangering the residents within the community.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Vehicle Deployment

When stopping one or more suspect(s) using the police vehicle; position the patrol vehicle to maximize officer safety for both officers (Los Angeles Police Department Regular Basic Course, Tactics Lesson Plan, Pedestrian Stops, Page 7-8, February 2003).

Officers Millan and Kisling drove into the mobile home park and were directed towards the radio call address by community members within the mobile home park. Officer Millan stopped his vehicle near the center of the street and two spaces south of the radio call location. Officer Millan's tactical vehicle deployment was not beneficial to the officers as it left distances between points of cover.

The UOFRB noted the width of the street on which Officers Millan and Kisling parked. As noted by FID investigators, the street width was considered to be narrow and the UOFRB determined there would have been little benefit had the officers parked in a different position. The UOFRB also noted Officers Millan and Kisling had a good sense of situational awareness as evidenced by their immediate redeployment.

Based on the totality of the circumstances, I have determined, that while identified as an area for improvement, the officers' actions were not a deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Utilization of Cover (Substantial Deviation, without Justification – Officers Vocke)

Cover is defined as any object or structure that will stop the opponent's bullets. Officers should attempt to move to and use available cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding area can be used as cover and what type of cover is required to stop specific rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department, Basic Firearms Manual, July 2015).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Los Angeles Police Department, Training Bulletin, Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017).

Officers Millan and Kisling arrived at the location and exited their vehicles. David entered their view and was standing naked in the middle of the street. Officer Millan noticed that he and his partner were in front of their police vehicle and, while giving David commands, began to redeploy to the right side of their police vehicle to a different area of cover. Officers Millan and Kisling made their way toward the back of a mobile home and sign post.²² Officer Millan was positioned offset and at an angle from the suspect, facing a northwest direction. After doing so, Officer Millan temporarily left the cover of the sign post, standing in the open as he was manipulating his radio; however, he corrected himself and redeployed to cover thereafter. Officer Millan then redeployed to his police vehicle in order to brief the arriving officers.

Officer Byrd arrived at the location as officers at scene were giving commands to David. As Officer Byrd gathered additional information about the possibility of a second suspect, he stood partially behind the police vehicle's ballistic door as cover. After Raymond exited the mobile home, Officer Byrd gave Raymond commands since Raymond's right hand was behind his back. Officer Byrd also did this without the full benefit of cover, leaving the left side of his body partially exposed. Once Officer Byrd observed Raymond had produced a handgun, Officer Byrd moved to his right to obtain additional cover behind the driver side door of the police vehicle.

²² The FID investigation revealed the mobile home which the officers used for cover was at Space No. 59, east of their parked police vehicle and southeast of David.

Officer Vocke deployed his Patrol Rifle and walked to Officers Millan and Kisling's police vehicle. Officer Vocke stood next to and outside of the opened front driver side door prior to the OIS. Officer Vocke did not utilize available cover prior to or during the OIS in order to obtain a safe and optimal shooting platform.

The utilization of cover, coupled with distance, enables an officer to confront an armed individual while simultaneously minimizing their own exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options by using available cover.

In this case, Officers Millan and Kisling assessed after exiting their vehicle and realized they were not in an advantageous position of cover. The officers adjusted their tactics and moved to a position of cover. The UOFRB noted that after moving to a position of cover, Officer Millan at times stood outside of his position of cover. Officer Millan had observed that David was naked and had not seen David holding a weapon. However, even though David was not armed, Officer Millan continued to remain next to his position of cover and was conscientious of the need for it as evident by his continued redeployment to other positions of cover. Officers are reminded to utilize available cover whenever responding to a "shots fired" radio call if cover is afforded.

The UOFRB noted that in the case, Officers Vocke and Byrd arrived and immediately moved towards positions of cover; however, they did not utilize the available cover to their advantage. The officers did not communicate with each other regarding moving in closer to the door jamb and creating more room for themselves or seeking other options. Officer Byrd believed Officer Ramos was in a bladed stance which would allow him to move to cover if needed. The UOFRB discussed that officers must not rely on body language alone and must communicate their tactics with each other. Further, that officers also review all of their options at an incident. In this case, officers could have deployed a shield to provide themselves with additional cover when there was no room at the driver side door. Alternatively, officers could have redeployed to more advantageous positions available to them. Officer Vocke believed taking an advantageous shooting platform was a higher priority than taking cover. Officers Byrd and Vocke were in the open and could have been struck by a round had Raymond fired his handgun. Ultimately, for the safety of officers, the UOFRB determined that officers are not trained to sacrifice cover and place themselves at risk of harm.

Based upon the totality of the circumstances, the UOFRB determined that Officer Byrd's decision to maintain a position without the benefit of cover on a "shots fired" call where a potential suspect was not complying and concealing his hand, was a substantial deviation, without justification, from approved Department tactical training. While I would have preferred Officer Byrd fully utilize the police vehicle's ballistic door panel, I have determined that Officer Byrd's partial use of cover behind the police vehicle's ballistic door panel did not substantially deviate from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officer Vocke's decision to maintain a position without the benefit of cover on a "shots fired" call where a potential suspect was not complying and concealing his hand, was a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Basic Firearms Safety Rules / Operating a Moving Vehicle with a Service Pistol Drawn (Substantial Deviation, without Justification – Officers Byrd, Vocke, and Blanco)

Firearms safety is critical. Officers must have the ability to draw, holster and manipulate weapons safely at all times, especially under stressful conditions. Firearms safety rules have been established based upon real life situations and are applicable at all times. Violations of any of the safety rules will not be tolerated.

The Four Basic Firearm Safety Rules

1. *All guns are always loaded.*
2. *Never allow the muzzle to cover anything you are not willing to shoot.*
3. *Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*
4. *Be sure of your target.*

Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results.

Officer Byrd unholstered his service pistol while driving his police vehicle to the incident, allowing the muzzle of his service pistol to cover his left arm as he was driving. Officer Byrd then placed his service pistol in between his legs with the muzzle pointed down. Officer Byrd had his service pistol unholstered for approximately two minutes until he holstered it upon hearing the officers had an individual in a prone position.

When Officer Blanco initially drew his service pistol at the rear bumper of Officer Millan and Kisling's police vehicle, Officer Blanco's BWV captured him holding his service pistol in a one-handed low-ready position. Shortly thereafter, Officer Blanco can be seen raising the muzzle higher, pointing it north toward Raymond. As he did so, Officer Millan can be seen in the foreground, in the open driver's door of the vehicle, in between Officer Blanco and Raymond. Additionally, Officer Blanco placed his finger on the trigger of his 40mm LLL while

manipulating the weapon. Officer Blanco also placed his finger on the trigger of his 40mm LLL while he approached with the arrest team and with the 40mm LLL pointed in David's direction.

Officer Vocke placed his finger on the trigger of his Patrol Rifle while approaching David with the arrest team, thereby endangering David and increasing the possibility of an unintentional discharge.

The UOFRB analyzed the lengthy distance with which Officer Byrd drove his vehicle while holding his service pistol. The UOFRB noted Officer Byrd was not in immediate danger and determined it was unnecessary. The UOFRB discussed their concern for Officer Byrd's safety due to BWV evidence indicating his unnecessary drawing also lead to him covering his left hand with the muzzle of his service pistol. The UOFRB determined it to be an unnecessary and unsafe risk.

The UOFRB noted Officer Blanco should have had the situational awareness to realize he was in a disadvantageous position and did not take the opportunity to redeploy to a different point of cover. The UOFRB also noted the available space at the passenger door of the police vehicle which Officer Blanco was standing behind. Since Officer Millan was partially seated inside his vehicle, there was ample room for Officer Blanco to take up that position. However, Officer Blanco instead jeopardized Officer Millan's safety and placed Officer Millan in danger by having Officer Millan in his line of fire. The UOFRB took into account the fact that Sergeant West was heard on Officer Blanco's BWV stating, "get a gun on him," however, the UOFRB noted it was Officer Blanco's responsibility to ensure he had a clear background before doing so. The UOFRB also noted after the OIS, Officer Blanco unnecessarily placed his finger on the trigger of his weapon while walking towards David and pointing the weapon at David. The UOFRB also noted Officer Vocke, while approaching David, unnecessarily placed his finger on the trigger of his Patrol Rifle, placing David in danger. Officers are reminded to utilize situational awareness and adhere to the basic firearms safety rules.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officer Byrd's decision to unholster his service pistol, while driving to the radio call location, was a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

The UOFRB determined, and I concur, that Officers Blanco and Vocke's actions of placing their fingers on the trigger of their weapons systems while pointed in the direction of other officers, as Officer Blanco did, and pointed at other individuals, as both officers did, were a substantial deviation, without justification, from Department policy and approved tactical training. I will direct that this be topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Initiating Contact While Seated in Police Vehicle – Officers Millan and Kisling arrived in the area of the incident where an individual approached them to provide additional information. The officers spoke with the individual while seated inside their police vehicle. The officers are reminded to exit their vehicles for the purposes of officer safety, when feasible, while talking to individuals at the scene of a radio call. I will direct this be a topic of discussion during the Tactical Debrief.

Use of Safety Belt – Officer Byrd was driving his police vehicle and was not wearing a safety belt until driving Code Three. In addition, Officer Byrd prematurely removed his safety belt prior to arriving to the radio call. Employees and all others operating or riding in Department vehicles shall wear three-point safety belts when provided. As a tactical consideration, officers may remove their safety belts immediately prior to arriving at a location or stopping an individual. However, officers should be careful not to remove their safety belts prematurely and thus risk being without safety belt protection during a pursuit. Officer Byrd is reminded that the use of safety belts while operating a Department vehicle is mandatory. I will direct this to be a topic of discussion at the Tactical Debrief.

Holding a Radio in One Hand and a Service Pistol in the Other – Officer Millan held his service pistol in his right hand while broadcasting additional information to responding units with his radio in his left hand. Officer Millan did this twice while waiting for additional units to arrive. Officers are reminded to have both hands available during a “shots fired” radio call and to delegate such tasks to other officers who are in a better position to holster and utilize their radio. I will direct this be a topic of discussion during the Tactical Debrief.

Tactical Communications – Officer Kisling redeployed during the OIS from the southwest corner of Space No. 59, to the southeast corner. Officer Kisling did not communicate her redeployment to the officers nearby. Officer Kisling’s service pistol was pointed perpendicular based on the angle of her position to the officers taking cover behind the police vehicle and actively firing at Raymond. Officer Kisling is reminded to be aware of her background and ensure she is not placing herself in a position where she may potentially cover a partner officer based on her positioned angle and where her weapon is not in a close proximity to a perpendicular position to other officers. I will direct this be a topic of discussion during the Tactical Debrief.

Holding a Service Pistol in One Hand and 40mm LLL in Other – Officer Blanco held his 40mm LLL in his left hand while maintaining control of his service pistol in his right hand. Officer Blanco is reminded to have both hands available when handling his service pistol. I will direct this be a topic of discussion during the Tactical Debrief.

Simultaneous Non-Conflicting Commands – Officers Byrd and Millan were giving simultaneous non-conflicting commands to Raymond as they ordered him to show his right hand which was hidden behind his back. Officers Byrd and Millan are reminded to designate one communications officer to verbalize with individuals to avoid confusion. I will direct this be a topic of discussion during the Tactical Debrief.

Designated Less-Lethal Duties/ Maintaining Control of Equipment – Officer Blanco designated himself as the less-lethal option and deployed the 40mm LLL from the trunk of his vehicle. However, when Officer Blanco observed Raymond enter into their view with his hand behind his back, Officer Blanco set his 40mm LLL on the ground in front of him instead of utilizing the sling. Officer Blanco drew his service pistol, leaving no less-lethal option available. Officer Blanco is reminded of the importance of each officer's roles and the need to maintain it. I will direct this be a topic of discussion during the Tactical Debrief.

Determining Death – Officer Millan approached Raymond to take him into custody. Officer Millan handcuffed Raymond and checked his pulse. Officer Millan determined Raymond had no pulse. David was moved to safety prior to the warrantless search being conducted; however, the supervisors at scene did not direct the movement of Raymond. LAFD was not able to enter the scene until it was rendered safe. It is the responsibility of the ambulance crew, except when a person is obviously dead, to determine if death has occurred. I will direct this be a topic of discussion during the Tactical Debrief.

Updating Status – Officers Garcia and Lindberg utilized their Mobile Digital Computer to place themselves Code Six. However, they were not placed at scene until fifteen minutes after arriving. Officers Garcia and Lindberg are reminded to ensure they are placed Code Six upon their arrival and discuss the benefits of voicing their Code Six over Harbor Base Frequency, when feasible. I will direct this be a topic of discussion during the Tactical Debrief.

Personal Protective Equipment – Officer Millan approached Raymond to take him into custody and observed blood on Raymond. Officer Millan began putting on his gloves but stopped and proceeded to handcuff Raymond without donning his gloves. Officer Millan is reminded of the importance of officer safety in regard to blood-borne pathogens. I will direct this be a topic of discussion during the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary

adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant West arrived at scene, assessed the incident, and assumed the responsibilities of the Incident Commander (IC). However, he did not broadcast that he would be the IC due to his perception that officers at scene already knew he was the incident commander. As David was standing naked in the center of the street and yelling at the officers, Sergeant West ordered officers to ensure they had both lethal and less-lethal weapons. Sergeant West did not designate a cover officer nor a designated lethal officer. Sergeant West stated he actively managed the incident by continually communicating with the officers and advising them to watch David's hands. He additionally instructed the officers to attempt giving commands to David in Spanish. Aside from the officers at scene, Sergeants West and Huett also gave commands to Raymond. After the OIS, Sergeant West formed three teams, including some of the officers directly involved in the OIS. Sergeant West ordered a team, which consisted of both GED, Vice, and Patrol Officers, to form near him to take David into custody. Sergeant West also advised officers to take Raymond into custody and to ensure the handgun was not moved in an effort to preserve evidence. Additionally, Sergeant West advised officers to provide cover of the mobile home in the event additional suspects were inside. While supervising the Non-Lethal Use of Force, Sergeant West advised the officers to apply an HRD on David and to move him from the area in front of the mobile home but neither Sergeant West nor Sergeant Huett address Raymond's location or his removal from in front of the mobile home at Space No. 40. Sergeant West ensured a RA had already been requested. Sergeant West coordinated with Sergeant Huett by

compiling one team of officers to remain on the south side of the trailer and one search team to make entry. Sergeant West led the search team, which included some of the officers involved in the OIS, into the mobile home to clear it for possible downed individuals, rather than utilize or request uninvolved officers to conduct the warrantless search.

The UOFRB noted that while Sergeant West attempted to actively manage the incident, he did not utilize command and control in this incident. Sergeant West observed three of the officers at the opened driver side door of a police vehicle. Two of the three officers, Officers Byrd and Vocke, were not in positions of cover. The UOFRB determined it was incumbent upon Sergeant West to redeploy resources when necessary. With Officer Vocke having the Patrol Rifle, it was Sergeant West's responsibility to prioritize such weapon systems by moving them to advantageous positions of cover and stable shooting platforms. In addition, Sergeant West was standing directly behind Officer Blanco, the only designated less-lethal officer, and stated "get a gun on him." Sergeant West did not assign additional officers or a specific officer to be a less-lethal option, as Officer Blanco had taken it upon himself. Sergeant West was not specific when giving orders and assigning roles to officers. Although GED officers may have been familiar with Sergeant West's tactical planning and verbiage, there were other officers involved in the incident including Patrol and Vice resources who were not.

The UOFRB determined Sergeant West did not exercise control over the incident by providing appropriate commands to officers at scene and appropriately positioning and designating resources. Sergeant West's statements and recollections were not supported in the investigation and by BWV. Sergeant West did not formulate a plan, nor did he communicate this information to Sergeant Huett. In addition, Sergeant West stated he ordered officers to move David away from the scene but did not assign officers to move Raymond to safety. Sergeant West directed officers to cover the south window of the mobile home but unholstered his own service pistol post OIS because the window was not covered in a manner as he preferred. Sergeant West then directed officers to conduct a search of the mobile home at Space No. 40 without communicating to the officers or to Sergeant Huett their reason for conducting the search or designating roles. Specifically, Sergeant West's overall lack of a plan, clear and concise communication and subsequent lack of command and control over the incident was not consistent with using available resources, coordinating a response, accomplishing tasks and minimizing risks as outlined in the Department's Training Bulletin on Command and Control.

As a result, the UOFRB determined, and I concur, the overall lack of appropriate supervisory oversight exercised by Sergeant West during the tactical incident prior to and after the OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

Sergeant Huett arrived simultaneously with Sergeant West. Sergeant Huett assisted Sergeant West in guiding the officers during their approach to cover the mobile home as the other teams took David and Raymond into custody. Sergeant Huett did request a beanbag and was unaware a 40mm LLL had been deployed. Sergeant Huett broadcasted a request over Harbor Base

Frequency for additional units to conduct the search and provide rear containment. Sergeant Huett requested a RA after the OIS. Sergeant Huett also began admonishing all involved officers at scene and ensured they were transported for monitoring to Harbor Station. Sergeant Huett ensured Officer Vocke's rifle was secured in the trunk of his (Sergeant Huett's) vehicle and that the vehicle was locked and secured as well.

The UOFRB noted Sergeant Huett had arrived fifteen seconds prior to Sergeant West but took little action in creating a tactical plan with the officers. Sergeant Huett did not assign a less-lethal officer or a designated cover officer. The UOFRB noted it is the expectation of the Department for supervisors to take active leadership and not rely on another supervisor to complete all the required tasks. The UOFRB noted that it was not sufficient that Sergeant Huett's only significant action in this incident was requesting an RA. In addition, the lack of communication between Sergeant Huett and Sergeant West was evident when Sergeant Huett notified LAFD that the scene was not safe to enter to provide immediate aid to Raymond. The UOFRB noted that Sergeant West was conducting a search for victims which would have made it safe for LAFD to enter and provide treatment to Raymond and David. As a result of the search, LAFD was not able to enter the scene until it was rendered safe causing a delay in Raymond's medical treatment. The UOFRB noted the interactions between Sergeants Huett and West were not based on communication but rather on body language and assumptions which caused mismanagement of the scene.

As a result, the UOFRB determined, and I concur, the lack of appropriate supervisory oversight exercised by Sergeant Huett during the tactical incident prior to and after the OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

Sergeant Hearn was assigned as the Harbor Watch Commander and responded to the scene. Sergeant Hearn immediately began obtaining information about the incident and who the involved personnel were. Sergeant Hearn completed notification of the OIS to the Department Operations Center (DOC) and obtained additional supervisors to assist in the separation and monitoring. Sergeant Hearn admonished and took a Public Safety Statement (PSS) from Officers Vocke, Millan, Kisling, Byrd, and Sergeant West.

The UOFRB noted that officers were not stationary at the scene after they had been admonished and pending the arrival of additional supervisors. Sergeant Hearn is reminded of the importance of adhering to the post Categorical Use of Force protocols, including the monitoring of officers involved in an OIS, until additional resources have arrived. Overall, the actions of Sergeant Hearn were consistent with Department supervisory training and met my expectations of a watch commander during a critical incident.

Sergeant J. Talmage, Serial No. 34671, Harbor Patrol Division, obtained a PSS from Officer Ramos and monitored him. The actions of Sergeant Hearn were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident.

Sergeant Knoke arrived at the scene after the OIS and determined Officers Kisling and Millan needed cover as they held the south end of the radio call location. Sergeant Knoke pulled a trash bin out for the officers so they could utilize it as cover. After the tactical situation was completed, Sergeant Knoke assisted Sergeant West with separation and monitoring of involved officers. Sergeant Knoke monitored Officer Kisling until she was transported from the scene. The actions of Sergeant Knoke were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Officers Ramos, Millan, Kisling, Garcia, and Lindberg did not deviate from approved Department tactical training. However, Sergeants West and Huett, along with Officers Vocke, Byrd, and Blanco's tactics did substantially deviate, without justification, from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Sergeants West and Huett along with Officers Millan, Kisling, Vocke, Ramos, Byrd, Blanco, Garcia, and Lindberg attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

General Training Update (GTU)

On October 3, 2019, Officers Vocke and Byrd attended a General Training Update and on October 15, 2019, Officer Millan attended a General Training Update. All mandatory topics were covered which included the following: Firearms as it pertains to recognition of distances when firing, Force Option Simulator, Reverence for Human Life, Use of Force Policy, Tactical De-escalation, Equipment Required, and Command and Control.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

Officer Vocke

According to Officer Vocke, he knew the radio call was a “shots fired” call. Because the situation could have risen to the use of deadly force and due to his distance from David, Officer Vocke chose to deploy his Patrol Rifle for accuracy. Officer Vocke retrieved the Patrol Rifle from the trunk of his police vehicle. After conducting a chamber check, Officer Vocke chambered a round, then held the Patrol Rifle in a port arms position. Officer Vocke brought his Patrol Rifle to a low-ready as he made his way towards the front of the police vehicle.

Officer Vocke recalled,

I went to the trunk and deployed my police rifle... Knowing that it's a shots fired radio call already, that's why I deployed the rifle just because of the situation could arise to the use of deadly force. And more specifically the rifle is more accurate for distance. And because of the distance we had, I felt like I should use it. Just have a more accurate shot, if needed.²³

There was a mag seated, but there was not one chambered. So I just had to chamber a round. I chamber checked, chambered a round, and then I closed the trunk... initially it was port arms and then I came to low-ready and slung it. I had a tac sling on it... Prior to making my way to the front of the SUV.²⁴

I had one 30-round mag in the rifle, which was loaded to 28, and then I had three -- one in my handgun -- or my Glock and two in the mag pouches.²⁵

Officer Ramos

According to Officer Ramos, he heard the comments of the radio call which stated there was a possible gun involved. Officer Ramos believed the situation was going to escalate to the point where deadly force was necessary and unholstered and drew his service pistol.

²³ Officer Vocke Page 8, Lines 3-4, 12-18.

²⁴ Officer Vocke Page 12, Lines 21-24 and Page 13, Lines 4-6, 9-10.

²⁵ Officer Vocke Page 14, Lines 20-23.

Officer Ramos recalled,

*I believe as soon as we arrived and based on the radio call of a possible gun.²⁶
I walked back to my, or to their patrol car and unholstered because I had reason to believe
that the situation was going to escalate to the point where deadly force was necessary.²⁷*

Officer Millan

According to Officer Millan, due to the comments of the radio call, which stated shots had been fired at the location, Officer Millan unholstered his service pistol.

Officer Millan recalled,

*Right when the first suspect came out of the house, we -- that's when I decided to unholster
my weapon due to the comments of the call that it was shots fired at that location.²⁸*

Officer Kisling

According to Officer Kisling, she heard the comments of the radio call, which stated witnesses observed a man with a handgun and witnesses at the location advised the officers that they did see a man with a gun. Officer Kisling believed the situation could escalate to the point where deadly force would be justified. Officer Kisling exited her police vehicle upon arrival and utilized her right hand to unholster and draw her service pistol. Officer Kisling maintained her finger along the frame of the pistol and held it in a two-hand low-ready.

Officer Kisling recalled,

*The reason why I unholstered, because the comments of the call and because the witnesses or
bystanders in the trailer park were saying that they did see a man with a gun over in that
yellow... and white trailer. And so, I believed that the -- because of the situation and all that
stuff, it could definitely escalate to the point where the use of deadly force would be
justified.... It was a two-hand low-ready.... I unholstered with my right... Along the frame.
....as soon as I exited the vehicle.²⁹*

Officer Byrd (First Drawing/Exhibiting)

According to Officer Byrd, he was aware of multiple shootings which had occurred in the area and had heard the comments of the "shots fired" radio call. Officer Byrd observed multiple cars

²⁶ Officer Ramos Page 15, Lines 3-4.

²⁷ Officer Ramos Page 6, Lines 7-10.

²⁸ Officer Millan Page 16, Lines 1-4.

²⁹ Officer Kisling Page 10, Lines 22-25; Page 11, Lines 9, 12, and 15, and Page 13, Lines 21-22

on the west side of the street and could not see between the cars. Officer Byrd was unsure if a possible suspect was hiding between the cars, waiting to ambush them. Officer Byrd, while driving towards the location, unholstered his service pistol with his right hand while maneuvering his police vehicle with his left hand. Officer Byrd pointed his service pistol down and, while looking straight ahead, placed his service pistol between his legs, with his finger along the frame.

Officer Byrd recalled,

Due to multiple shootings in the City of Wilmington, I know that area is crime -- with Westside Wilmas gang members, who are not friendly with LAPD and law enforcement... In my opinion, the shots fired calls -- or comments of the call kept arising. In my opinion, I felt the need -- because we were in a tactical situation. Although I was driving a car, I unholstered my firearm, because there was multiple cars on the west side of the street, and I couldn't see in between them. I didn't know if the suspect ran from the location going northbound or could be hiding between cars.³⁰

There was no radio chatter, so I didn't know if the suspect or suspects possibly fled from the location or hiding between cars. And I'm driving southbound. So I unholstered in case the suspect was in between the cars or waiting and hiding, maybe an ambush or such. ...So I had my -- my -- I had my hand on the steering wheel... My left hand on the steering wheel, and then my service weapon is on my right hip. I just unholstered it and then I had it in a down position between my legs... And away from my arm, away from me feet and everything, but it was pointed down. And I was looking both straight ahead and then clearing each car as we were going up... it was on the slide of the firearm.... along the frame.³¹

The UOFRB discussed Officer Byrd's first instance of Drawing/Exhibiting and determined that Officer Byrd was not in any danger at that point due to the distance from radio call and instead, put himself at risk by driving with his service pistol drawn. Additionally, the UOFRB noted that Officer Byrd had his service pistol drawn for an extended period of time while driving.

Officer Byrd (Second Drawing/Exhibiting)

According to Officer Byrd, while driving to the location, he heard a unit broadcast that they had an individual proned out. Officer Byrd holstered his service pistol. Officer Byrd arrived at the location, exited his vehicle, and asked the officers at scene if they had located the second guy from the radio call who was shooting in the air. After learning he had not been located, Officer Byrd unholstered his service pistol again, believing that there was a second suspect which could

³⁰ Officer Byrd Page 7, Lines 22-25 and Page 8, Lines 1-9.

³¹ Officer Byrd Page 13 Lines 16-21; Page 14 Lines 3-4, 6-9, 11-14, 18-19, and 21.

have been inside one of the residences. Officer Byrd held his service pistol in the low-ready position with two hands, and his finger on the slide.

Officer Byrd recalled,

So when we made a turn -- I can't recall the street. But when we went back up the alley, I heard one of the units at scene said they have the suspect proned out. That's when realized, okay, maybe put it back. Then I put my service weapon back into my holster and then I went and observed the two black and whites, but then I realized I didn't see the second guy... We were traveling westbound in an east/west alley just south of the trailer homes... So I exit the vehicle -- my vehicle. I walk up and then I notice there's not the second guy there based on the comments of the call. And I asked, "Where's the second guy?" And then I heard someone say, "Hey, when we got here, it was only this guy."... And I know I heard the radio call say white shirt was the one shooting on the air.... That's when I unholstered my firearm again believing that it could be a second suspect in at least one of the residence.³²

So low-ready position... But locked out... Two hands, just the way I train... And my finger was on the slide -- or on the frame of the weapon.³³

Officer Blanco

According to Officer Blanco, he observed a second male exit the radio call location who was concealing his right arm behind his back. Officer Blanco knew something was not right since it was not common for individuals to be hiding their hands behind their back. Officer Blanco knew it was common for individuals to hide their hands once they are armed. Officer Blanco set down his 40mm LLL and unholstered and drew his service pistol.

Officer Blanco recalled,

...when a second suspect came out from space number 40, the yellow and white house, concealing his right arm behind his back, and was walking towards the naked individual that was in the middle of the street... At that time, I went and set the 40-millimeter down to the ground because due to my training and experience, I knew something wasn't right. It is not common for individuals to be hiding their hands behind their back. And it is known for individuals to do that once they're armed. So when I set the 40-millimeter down on the ground, I unholstered my duty weapon.³⁴

³² Officer Byrd, Page 15 Lines 3-10 and 24-25; Page 16, Lines 8-13, 15-17, and 19-21.

³³ Officer Byrd Page 17 Lines 1-2, 4, 7, 11-12, 14-15.

³⁴ Officer Blanco Page 7, Lines 14-17 and Page 8 Lines 2-8.

Officer Garcia

According to Officer Garcia, he heard the comments of the call indicating a male was shooting into the air. Upon arriving, Officer Garcia heard gunshots and observed a male laying on the ground. Officer Garcia also observed a handgun near Raymond. Officer Garcia believed David, who was not listening to commands, could have easily grabbed the gun too. Unsure if Raymond would grab the handgun, Officer Garcia unholstered his service pistol and took cover at Officers Millan and Kisling's driver side door.

Officer Garcia recalled,

I saw the gun. Comments of the call said the guy was shooting in the air. The guy that was laying on the ground matched the description of the guy of the radio call. I heard gunshots. I look over and I see the gun. I wasn't sure if this guy would get up, grab the gun. There was another individual in the back, naked, possibly under the influence of drugs, and not listening to our commands. He could have easily grabbed the gun too.³⁵

Officer Lindberg

According to Officer Lindberg, he heard approximately ten gunshots upon arriving at the location. Officer Lindberg believed the tactical situation could have easily escalated to the point of deadly force. Officer Lindberg unholstered his service pistol and took cover at the passenger side door of Officers Millan and Kisling's police vehicle. Officer Lindberg observed a handgun approximately three feet away from Raymond, who was laying on the ground and bleeding.

Officer Lindberg recalled,

And there was approximately ten - - ten shots.³⁶

Based on the tactical situation. I observed a handgun approximately three feet away from the suspect. I heard multiple gunshots ring out. The type of situation that it could have easily escalated to the point of where deadly force could have been used.³⁷

Sergeant West

According to Sergeant West, he began unholstering his service pistol when he observed David exit the mobile home at the scene of the radio call. Sergeant West unsnapped his holster and began to draw his service pistol half way out of its holster. Sergeant West realized his role as a

³⁵ Officer Garcia, Page 18, Lines 3-12.

³⁶ Officer Lindberg Page 28, Line 14.

³⁷ Officer Lindberg Page 14, Lines 12-17.

supervisor in this incident, re-holstered his service pistol, and secured it in the holster by snapping it close. He did not completely unholster his service pistol.

Sergeant West recalled,

I did see the male Hispanic exit the trailer, instinctively, I did go to my weapon system...but as quickly as I went to it, I immediately – I – it may have been half out, half in. I immediately realized my role in this. Reholstered the weapon, which was half out, snapped up, and started to give officers commands on – on what I thought needed to take place.³⁸

According to Sergeant West, he directed officers to cover the south window of the trailer. Sergeant West unholstered his service pistol since the window was not *being covered* to his liking. Sergeant West *readjusted* his officers to have the *window covered* to his liking and holstered.

Sergeant West recalled,

It wasn't being covered exactly to my liking. So that's when I unholstered and I took up a position of cover on the windows as well. Once I was able to get officers readjusted to have that window covered to my liking, then I went ahead and reholstered.³⁹

Sergeant Huett

According to Sergeant Huett, he observed Raymond holding his right hand behind his back and refusing to comply when directed to show his right hand. Based on the Raymond's actions and the comments of the radio call stating shots had been fired, Sergeant Huett drew his service pistol believing the situation would escalate to a potential use of deadly force. According to Sergeant Huett, after the OIS occurred, he immediately holstered his service pistol.

Sergeant Huett recalled,

...diverted, I could see the suspect holding his right hand behind his back. At that point, I could hear Sergeant West, you know, "Show us your hands, show us your hands," the suspect not complying, and believing that the situation, because of the shots fired call, the suspect matching the description came out and was possibly armed. I drew my firearm at that point believing the situation would escalate to a potential use of deadly force. Immediately as -- as I drew my weapon and aimed on range, the suspect came out from his right -- his right hand from behind his back and produced a firearm. Subsequently, shots rang out, the suspect went down. I -- I immediately holstered my -- my firearm at that 20 point.⁴⁰

³⁸ Sergeant West Page 33, Lines 10-11 and Lines 14-18.

³⁹ Sergeant West Page 13, Lines 10-14.

⁴⁰ Sergeant Huett Page 9, Lines 7-21.

Sergeant Huett recalled,

Sergeant Huett observed Officer Kisling position herself farther east along the mobile home. Sergeant Huett noticed Officer Kisling was too far back and wanted her to move west towards the corner of the trailer to get a better vantage point on the target location. Sergeant Huett unholstered his service pistol, post OIS, to advance to Officer Kisling's position while covering the target location. Upon reaching Officer Kisling's position and redeploying to a better vantage point with her, Sergeant Huett re-holstered his firearm.

Upon noticing her that far back, I had her move to her west towards the corner of the trailer to get a better vantage point on the target location. At that point, I withdrew my firearm again and advanced to her position covering the target location. Once I made it to her location, and to ensure she was in place and had a good vantage point, I reholstered my firearm.⁴¹

My thought process was to -- well, obviously, drawing my weapon at that point and advancing downrange. The target location had not been cleared so we were not -- we weren't aware of any other suspects, but we knew we couldn't rule it out. So crossing that threshold between the shops and the -- and Officer Kisling's position, I drew my weapon to cover that distance in the event that I was engaged or had to engage the suspect, as I made my way across that street.⁴²

In this case, the UOFRB conducted a thorough review and evaluation of the reasonableness of Sergeants West and Huett, as well as Officers Millan, Kisling, Vocke, Ramos, Byrd, Blanco, Garcia and Lindberg's Drawing/Exhibiting. The UOFRB noted that Officers Millan, Kisling, Vocke, Ramos, Blanco, Garcia and Lindberg's initially drew their service pistols due to the nature of the radio call. The radio call indicated there was an armed suspect who had already fired his handgun. Each officer was fearful for not only the safety of himself or herself but of each other's safety as well. Sergeant West did not complete the unholstering and drawing of his service pistol initially, recognizing his responsibility as a supervisor on scene. When Sergeant West unholstered his pistol to cover the trailer's southern window facing east, he did so upon recognizing a tactical deficiency. Upon correcting the tactical concern by re-positioning officers, he re-holstered his service pistol.

The UOFRB noted Officer Byrd's Drawing/Exhibiting at the scene of the radio call was the second time he had done so prior to the OIS. Officer Byrd also stated he drew his service pistol due to the comments of the radio call but added that, upon his arrival, he was concerned that there was a second suspect who had not been located. The UOFRB determined that Officer Byrd's second instance of Drawing/Exhibiting was justified and for his own safety. However, the UOFRB discussed Officer Byrd's first instance of Drawing/Exhibiting and determined he

⁴¹ Sergeant Huett Page 9, Lines 24-25 and, Page 10, Lines 1-5.

⁴² Sergeant Huett Page 14, Lines 20-25 and, Page 15, Lines 1-3.

was not in any danger and instead, put himself at risk by driving with his service pistol drawn. Additionally, Officer Byrd had his service pistol drawn for an extended period of time while driving. Therefore, the UOFRB determined, and I concur, that Officer Byrd's first instance of Drawing/Exhibiting was Out of Policy, Administrative Disapproval.

Based on the totality of the circumstances, the UOFRB determined that an officer with similar training and experience as Sergeants West and Huett, Officers Millan, Kisling, Vocke, Ramos, Byrd (Second Drawing), Blanco, Garcia and Lindberg's while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

In considering the UOFRB's decision, I reviewed the circumstances and justification provided by Sergeant West's, Officers Millan, Kisling, Vocke, Ramos, Byrd (second drawing), Blanco, Garcia, and Lindberg's to draw and exhibit their service pistols. Furthermore, I recognize that Sergeant West was handling multiple tasks during the incident and had corrected himself as he began to draw his service pistol, recognizing his responsibility as a supervisor at scene. Upon recognizing a tactical deficiency, Sergeant West unholstered his service pistol to cover the south window as the officers behind him were taking David into custody. Sergeant West corrected the deficiency by re-positioning officers and re-holstered his service pistol after making the correction. I have determined that Officers Millan, Kisling, Vocke, Ramos, Byrd (Second Drawing), Blanco, Garcia, and Lindberg's, as well as Sergeant West's Drawing/Exhibiting to be In Policy, No Further Action.

In the case of Sergeant Huett, this incident may have benefitted from the redeployment of officers for a more effective use of cover and designated assignments to reduce the number of lethal options deployed and incorporate additional less-lethal options at scene. Sergeants West and Huett were in the best positions to initiate such a redeployment of resources as several officers had already unholstered and drawn their service pistols and a rifle. As a tenured supervisor, Sergeant Huett's decision to draw and exhibit his service pistol behind the cover of a police vehicle, and again when he redeployed to Officer Kisling's position at a trailer, limited his ability to provide oversight, assess the rapidly evolving incident, designate roles to the officers, and reposition the officers at scene. For this incident, I do not concur with the UOFRB's recommendation regarding Sergeant Huett's decision to draw and exhibit his service pistol. Therefore, I have determined that Sergeant Huett's Drawing/Exhibiting was Out of Policy, Administrative Disapproval.

Use of Force – General⁴³

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

⁴³ Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Non-Lethal Use of Force⁴⁴

Officer Ramos – Firm Grip, Physical Force, Bodyweight.

According to Officer Ramos, he approached David, who was facing stomach down on the ground. Officer Ramos was on David's left side and began his attempt at taking David into custody by placing handcuffs on him. Officer Ramos observed that David had placed his right arm underneath his body to avoid being handcuffed. Officer Ramos used a firm grip to take control of David's left arm and left wrist to place the handcuffs on his left wrist. Officer Ramos then utilized his upper torso and arms to gain leverage by utilizing bodyweight on David's left arm. Officer Ramos obtained control of David's left wrist and placed a handcuff on it.

⁴⁴ Los Angeles Police Department Manual, Volume 1, Section 556.10.

Officer Ramos recalled,

He was holding his -- he was keeping his right arm, I believe, under him or he -- he just wasn't going with the program.⁴⁵

I didn't put any knees or anything onto him. I just used my upper torso and my arms to put the -- gain leverage on... His left arm... I did use a firm grip... To control his left -- left arm and left wrist...I was attempting to place my handcuffs on his left wrist.⁴⁶

I continued to use body weight on his elbow. And then I had control of his wrist with my right hand. But mostly body weight.⁴⁷

So I had his left wrist handcuffed. They had -- eventually got his right wrist handcuffed, and we simultaneously linked them together... I was on the right side holding -- his right arm.⁴⁸

Officer Byrd – Strikes, Firm Grip, Bodyweight.

According to Officer Byrd, he utilized his right hand to place his handcuffs on David's right wrist and placed his left knee onto David's back. Officer Byrd stated he utilized a "three points of contact" approach that he learned during Department training. David began resisting by placing both of his hands under his chest area while facing the ground. Officer Byrd utilized force to keep David's right hand up. David began resisting and attempted to place his arms under his chest. Officer Byrd kept his right hand on David's wrist while trying to lock out David's elbow, so David would stop resisting. However, Officer Byrd realized he was slipping off David because of his sweat. Officer Byrd utilized bodyweight by laying on David. David continued to resist and kept his hands underneath his chest. Officer Byrd believed there was a third suspect nearby and was in the danger zone who could fire rounds at him. Officer Byrd believed he needed to quickly take David into custody. Officer Byrd utilized his left elbow multiple times to strike David in the front and back of his head in order to loosen him up. Officer Byrd also utilized his right elbow to strike David once or twice more. Officer Byrd struck his elbow against the concrete and stopped utilizing his elbow to strike David. Officer Byrd grabbed David's right arm and successfully connected both handcuffs together.

Officer Byrd recalled,

I did knee/elbow/ wrist just like they teach us in the academy, and I put my -- using my right hand, I put my cuffs on his right wrist and then that's when he started giving resistance...

⁴⁵ Officer Ramos Page 28, Lines 24-25.

⁴⁶ Officer Ramos Page 27, Lines 8-10, Line 12, and Line 24; Page 28, Lines 1-2.

⁴⁷ Officer Ramos Page 42, Lines 6-8.

⁴⁸ Officer Ramos Page 30, Lines 21-23 and Page 32, Lines 22-23.

Once he started giving resistance, he tried to put both his hands in his chest area while he was on the ground face down. I then start using force to keep his hands up -- his right hand up.⁴⁹

...I just stepped over him and placed my left knee into his back and tried to do the knee/elbow/wrist technique.⁵⁰

We put our knee and then we grab their elbow and their wrist.⁵¹

So then I kept my right hand on his wrist, and I tried to lock his right elbow out, so he won't do that. But then I realized I was slipping off of him, because he was naked, he was sweaty. Then I said, you know what, I'm a big guy. I'm just going to lay on him and then try and do it that way.⁵²

Then he started getting a little bit stronger. And believing that it possibly was a third suspect, then I'm like, okay, we're in a danger zone. We shouldn't be right here fighting this dude, but we're here. I start giving him strikes to his head using my elbow -- both elbows.⁵³ I'm trying to hit him -- like hit him in his head so he can loosen up...I don't remember how many times I hit him with elbow or not... I know I struck him multiple times with my elbow... Some was to his back and some was to his head...And then at one point he like kind of tucked his head in, so then was doing it to the back of his head... He placed his head into the concrete, because he was trying to dodge the strikes. So his head was fully into the concrete. And then I think at one point my elbow actually hit the concrete and then I'm like, dude, forget this and I just grabbed his right arm...And he gave me his arm -- he gave me his left arm and then we placed the handcuffs on him.⁵⁴

Officer Garcia – Strikes, Firm Grip.

According to Officer Garcia, as he began to move to David's legs to take control of them, he heard another Officer ask for help with David's upper torso area. Officer Garcia approached the right side of David's body and attempted to utilize a firm grip on David's right arm, which was tucked under his body. However, David slipped out of Officer Garcia's grip due him being sweaty. Officer Garcia gave David commands to stop resisting but David did not comply. Officer Garcia utilized his right knee to apply two distraction strikes to David's right upper rib and shoulder area; however, David continued to resist the officers. Officer Garcia utilized two additional strikes to David's upper rib area. Officer Garcia observed it had no effect on David.

⁴⁹ Officer Byrd Page 11, Lines 6-9 and Lines 11-14.

⁵⁰ Officer Byrd Page 66, Lines 5-7.

⁵¹ Officer Byrd Page 43, Lines 19-20.

⁵² Officer Byrd Page 44, Lines 15-21.

⁵³ Officer Byrd Page 11, Lines 14-20.

⁵⁴ Officer Byrd Page 45, Lines 14-15, 19-20, and 22-23; Page 46, Lines 2-3, 7-9, 12-17, and 23-24.

Officer Garcia utilized one additional strike to David's upper rib area. David gave up and was taken into custody.

Officer Garcia recalled,

They were struggling with him. As we're trying to -- as I was going for his legs, the individual that's naked, an officer said, "I need help in the upper torso area." I went to try to help him by grabbing the individual's right arm, which he had tucked underneath his body. But as I grabbed it, it slipped out. He was sweating. He was bleeding. I then gave him commands to give his arms, stop resisting. It wasn't working. I then decided with my right knee to give him distraction strikes on the right side of his body. I gave him two strikes. I told him, "Stop resisting." He still wouldn't do it. I assessed. I gave him two more strikes. Still no effect. Gave him one last strike. At which point he says, "Okay. Okay. I give up." We then grab -- his arm was grabbed. It wasn't by me. And he was taken into custody.⁵⁵ I'm on the right side of his body... I'm pretty much kneeling down next to him as I'm trying to grab his wrist and his arm, and I can't, so I start kneeling -- I start kneeling him... I'm telling him, "Stop resisting." Another officer is telling him, "Hey, give me your hand. Give us your hand." Multiple commands are given to him and he's not responding... Approximately five... Same area. And I'm -- I was trying to give them to his shoulder too.⁵⁶

Officer Lindberg – Bodyweight, Physical Force.

According to Officer Lindberg, he utilized his right knee to apply bodyweight to David's rear thigh, above the knee. David was very strong and was able to still lift his legs up. Officer Lindberg wrapped his arms around David's legs and crossed David's ankles. Officer Lindberg was given a hobble restraint device (HRD) and assisted in placing it around David's ankles. Officer Lindberg pulled the HRD's strap and tightened it.

Officer Lindberg recalled,

I applied my right knee... to the suspect's back thigh. He was face down. It would be his right back thigh just above his knee to pin his leg to the ground. Like I said, he was very strong. He was able to kind of lift it up. And then I wrapped my arms around, kind of as a bear hug, and crossed his ankles.... guy's ankles into a hobble. And Officer Ramos handed me the hobble, and we both kind of assisted putting the hobble around his ankles... We both took it because he was still flailing his ankles. And we just had to move it around his feet and pull it down to his ankles and then we pulled the strap to tighten it.⁵⁷

⁵⁵ Officer Garcia, Page 10, Lines 12-25 and Page 11, Lines 1-5.

⁵⁶ Officer Garcia Page 23, Lines 6-7, 11-14, Page 24, Lines 9-12, 18, 20-21.

⁵⁷ Officer Lindberg, Page 21, Line 25 and Page 22, Lines 1-6 and Lines 12-14 and 17-20.

The UOFRB noted David's initial level of resistance was strong enough to warrant the officers' level of force. Officer Byrd approached David utilizing a "three points of contact" approach which is a Department approved tactic to take a resistant suspect into custody. Given David's reaction to his approach, Officer Byrd used reasonable force to overcome his resistance. As David continued to resist, Officers Byrd and Garcia used appropriate distraction strikes to lessen the amount of time they were exposed to the front of the mobile home by forcing David to release his arms from his chest. The UOFRB determined the officers were justified in wanting to remove themselves from the danger zone and in doing so, used elbow strikes and knees to gain compliance. Since David was in close proximity, with his hands tucked under his waist, it appeared to be sufficient force that was used and resulted in the successful handcuffing of David.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Byrd, Ramos, Garcia, and Lindberg, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Raymond's resistance and effect his arrest.

Therefore, I find Officers Byrd, Ramos, Garcia, and Lindberg's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No. 1, Section 556.10).*

Officer Vocke – 5.56mm, five rounds in a northern direction from an approximate distance of 53 feet.

According to Officer Vocke, Raymond was facing in his direction as he began placing himself behind David, to use him as a shield. Raymond held his right hand behind his back, out of view, and was standing behind David when he took one half of a right step, exposing the right side of his body. All in one motion, Raymond swung his right hand from his back towards his right hip and produced a black semi-automatic handgun. Raymond started punching the handgun out into

the direction of Officer Vocke. Officer Vocke utilized his Patrol Rifle to stop the threat and fired his first round at Raymond's center body mass, on his right side, to avoid hitting David who was unarmed.

Officer Vocke recalled,

Coming out from that right side right to his -- it would be right to his right hip. I could see a black handgun. And as soon as he started punching it out towards us, that's when I fired... And kind of all in one motion he kind of stepped out and produced it. So he kind of gave just maybe -- gave up part of his right side of his body. He was still kind of behind the other individual as he was punching the handgun out... He was facing towards us.... He was facing straight on all the officers He was standing right behind him. Like I said, once he came out with the handgun, he took like a half step to the right. So you could see like maybe the right side of his body. That's when the whole thing started... He swung it around from the back and he came straight up towards us on -- trying to acquire a target.⁵⁸

It just -- it just looked like a black semi-automatic pistol.⁵⁹

His center body mass. It would have been the right side of his body just because I didn't want to hit the unarmed guy in front of him.⁶⁰

Initially when the shooting started, he kind of stumbled forward, but he still kind of had the gun coming towards us. So I think it did, but he was still a threat with pointing the gun at us.⁶¹

According to Officer Vocke, he was unsure if Raymond was stumbling from being shot or if he was deliberately walking out and observed Raymond's body was almost completely out from behind David. Officer Vocke observed Raymond's handgun still out in front of himself and was pointed in the direction of the officers. Officer Vocke fired a second round from his Patrol Rifle.

Officer Vocke recalled,

It was still the center body mass... By then he was almost completely out from behind the other individual there. So he had given up more of his body, because he had come out further... I don't know if he was deliberately walking out or if he was stumbling from being shot.⁶²

⁵⁸ Officer Vocke, Page 22, Lines 5-9 and 13-18; Page 23, Lines 19-20; Page 24, Lines 7-11

⁵⁹ Officer Vocke Page 35, Lines 8-9.

⁶⁰ Officer Vocke, Page 23, Line 20 and 25; Page 24, Lines 1-2.

⁶¹ Officer Vocke Page 25, Lines 2-6.

⁶² Officer Vocke Page 25, Lines 20-21 and Lines 25; Page 26, Lines 1-3; Page 26, Lines 5-7.

*It was still kind of out in front of him pointing in our direction.*⁶³

According to Officer Vocke, he observed Raymond holding his handgun still out in front of him pointing in the direction of the officers. Officer Vocke observed Raymond was starting to go down to his left knee but was still holding the handgun in his right hand and pointing it in his direction. Officer Vocke fired a third round at Raymond's center body mass. Officer Vocke believed he fired a total of three or four rounds. At this point, Officer Vocke observed Raymond was down and no longer pointing the handgun at them. Officer Vocke stopped firing.

Officer Vocke recalled,

*The same thing. Center body mass. He's -- at this time it looks like he's starting to go down to his left knee, but, again, the hand still has the gun. It's still pointing in our direction.*⁶⁴
*The suspect was down. At that time once he was down, his right hand was actually still hidden, but he wasn't moving anymore. He wasn't pointing towards us. I know several people, including myself, said, you know, "Be careful. We can't see that right hand still," because that's where the handgun was. But he was laying -- laying in a way where you couldn't see that hand anymore, and he wasn't pointing a handgun at us anymore.*⁶⁵

*Three or four... It felt kind of just slow and deliberate until he was no longer a threat.*⁶⁶

Officer Byrd – 9mm, eight rounds in two volleys of fire at an approximate distance of 52 feet, in a northern direction.

First Volley – Two to Three Rounds of fire at an approximate distance of 52 feet, in a northern direction.

According to Officer Byrd, he observed Raymond's right hand was concealed behind his back and Raymond was standing behind David. Raymond stepped approximately a foot or two away from David and removed his right hand from his back. Officer Byrd observed the muzzle of Raymond's handgun pointed in his direction. Officer Byrd believed he was going to get shot. Officer Byrd stated his head was exposed as a result of his height even though he was standing behind a police vehicle door. Officer Byrd utilized his service pistol and fired his first sequence of rounds to stop the deadly threat. Officer Byrd believed he fired two to three shots in this sequence towards Raymond's direction at his center mass near his upper torso.

⁶³ Officer Vocke Page 26, Lines 11-12.

⁶⁴ Officer Vocke Page 26, Lines 16-20.

⁶⁵ Officer Vocke Page 27, Lines 7-15.

⁶⁶ Officer Vocke Page 24, Line 17 and Page 25, Lines 16-17.

Officer Byrd recalled,

Then the guy with the -- the individual who had the clothes on, then concealed himself behind the naked guy. They both dancing around. At that moment he removed himself maybe approximately a foot or two away from the naked individual and then that's when he removed his right hand from his back area. And that's when I observed the muzzle of firearm and it was coming up. And the guy was pointing right in my direction, and I fired my firearm multiple times in the direction of the suspect to stop the deadly threat. And at that time I was -- I thought he was getting -- I thought I was going to get shot. Even though I was behind a car -- I'm 6'6". My head was exposed, and I wanted to make sure that I didn't get shot in the head. I know for sure originally, I shot two to three shots in his direction.⁶⁷

I'm thinking I'm about to get shot. And I'm thinking I don't want to get shot in the head, so that's when I start firing my service weapon... Center mass, upper torso.⁶⁸

Second Volley – Three to Four Rounds of fire at an approximate distance of 52 feet, in a northern direction.

According to Officer Byrd, due to his head being exposed and to avoid getting shot in the head, he adjusted his position by kneeling down onto his right knee. Officer Byrd transitioned to his knee as he simultaneously fired three to four additional rounds at Raymond's upper torso, center mass. Officer Byrd stated Raymond was approximately twenty to twenty-five feet away from him. Between firing rounds three and four, Officer Byrd observed his rounds were making contact.

Officer Byrd recalled,

And then realizing how tall I am, I always try to practice getting on one knee for cover... I heard multiple gunshots, so I didn't -- I couldn't tell if it was officer shots or if he shot at me. I just know that I saw the muzzle and it felt like -- even though he was approximately 20 to 25 feet, it felt like he was right in my face.⁶⁹

And then as I'm going down, I fire additional shots -- two to three shots... Upper torso area... Center mass... He was still up.⁷⁰

Upper torso area... center mass... because he still was close to the naked guy who did not have a weapon. And I did not want to be the guy who shoots the guy without a weapon.⁷¹

⁶⁷ Officer Byrd Page 9, Lines 20-25 and Page 10, Lines 1-12.

⁶⁸ Officer Byrd Page 33, Lines 4, 6-8, and 18-19.

⁶⁹ Officer Byrd Page 10, Lines 12-14 and 16-21.

⁷⁰ Officer Byrd Page 32, Line 25 and Page 33, Lines 1, 5, 7 and 12-13.

⁷¹ Officer Byrd Page 34, Lines 5, 7 and 6-8.

*At this point in time – so I go to two and once I get to the third, I can tell he was struck at some point because he starts going down. It went from going – so as I'm firing my rounds, it went from pointed right at me to now it's going down.*⁷²

According to Officer Byrd, he stated *yes* to FID Detectives when asked if the Raymond was still standing after the third round, in his second sequence. Additionally, after noting this between the third and fourth round, Officer Byrd shot his fourth round then stopped and *assessed*. Officer Byrd noted Raymond no longer had a handgun in his hand. Officer Byrd stopped firing.

Officer Byrd recalled,

*Yeah, between the third and the fourth.*⁷³

*I took a moment. I assess. And then I see him on the ground, but I don't see the firearms.*⁷⁴

Note: Officer Byrd was answering questions regarding his second sequence/volley of shots when referring to rounds three and four.

The FID investigation revealed that Officer Byrd fired two volleys for a total of eight rounds.

Officer Millan - 9mm, nine rounds in a northern direction at an approximate distance of 51 feet.

According to Officer Millan, he observed David stand up. Raymond walked behind David as he kept his right hand behind his back. Officer Millan was unable to see what Raymond had in his hand. Officer Millan observed Raymond step, kind of like going around David, and towards the officers. Officer Millan saw Raymond bring his right hand around, and in front of him. Officer Millan observed that Raymond was holding a black handgun and was pointing the gun at him. Officer Millan feared for his life and made the decision to protect himself and the other officers from the imminent threat. Officer Millan was behind the ballistic panels of his police vehicle's passenger door, while sitting on the passenger seat with his right leg on the ground and his left leg inside the police vehicle. Officer Millan fired five rounds from an approximate distance of twenty-five to thirty feet. After the fifth round, Officer Millan assessed and observed the threat was no longer there since Raymond's handgun was down and Raymond was collapsing to the ground.

⁷² Officer Byrd Page 35, Lines 21-24 and Page 36, Lines 22-24.

⁷³ Officer Byrd Page 36, Lines 5-6.

⁷⁴ Officer Byrd Page 38, Lines 9-11.

Officer Millan recalled,

He's bringing his right hand from his back towards—in front of him and that's when I notice he has—he's holding an unknown handgun—black handgun...I decided to use deadly force and I shot – at the moment I thought I shot approximately five times. After the round counting at scene in the investigation, now I know it was nine. But at the time I thought I shot approximately five times. And at the moment my decision of using deadly force, he -- I estimate he was approximately 25, 30 feet away from me. And I took...to stop shooting when I observed the suspect was...threat was no longer there...The suspect is down that had a gun.⁷⁵

But I shot all rounds on after the other one. After the nine rounds that's when I assessed... 18-22 Yes, I feel I shot five. After the fifth round that I feel that I shot, that's when I assessed and that's when I noticed that the suspect was go – like he was collapsing to the ground.⁷⁶

I was halfway in, halfway out. I was – I was sitting on the – on the passenger seat with my right leg on the ground and my left leg inside the car while I was -- I was in that gap between the door and the car.⁷⁷

In this case, the UOFRB conducted a thorough review of the investigation. During their review, the UOFRB took into consideration that Raymond was escalated the incident when he refused to comply with officers' commands, utilized his son David as a shield, and pointed a handgun at the officers.

The UOFRB considered the minimal amount of time the officers had to react to the deadly threat caused by Raymond. The UOFRB noted that Officer Vocke, Byrd, and Millan assessed through each round and appropriately ceased fire when Raymond was no longer a threat. The UOFRB noted that other officers at scene did not fire their weapons and showed great restraint even though they were in Raymond's field of view. Officers Vocke, Byrd, and Millan's precise shots during the modified hostage situation prevented David from being injured or shot. The UOFRB also noted Officer Byrd's awareness of his height and thus his head and neck being exposed. Officer Byrd's actions were an accurate account of his articulation regarding his training and his training reposition onto a knee while firing to maintain cover. The UOFRB noted Officer Millan's articulation regarding his self-stated lack of assessment. However, officers are trained to assess the target while looking through their sights. It was evident Officer Millan was indeed assessing since he stated he watch Raymond collapse and stopped shooting.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Vocke, Byrd, and Millan would reasonably

⁷⁵ Officer Millan Page 12, Lines 6-9, 10-19 and 22-23.

⁷⁶ Officer Millan Page 28, Lines 18-22

⁷⁷ Officer Millan Page 41, Lines 11-15.

believe Raymond's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officers Vocke, Byrd, and Millan's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

BWV – Officer Vocke's BWV device was powered off during the incident while he was assisting with the search of the residence. Officer Vocke believed the sling of his Patrol Rifle may have caught on the BWV power switch, turning the BWV off.

Sergeant West intentionally deactivated his BWV device while still leaving it powered on because he received a phone call from his commanding officer and was making and receiving notifications through his command during this time. After he completed his notifications, Sergeant West re-activated his BWV. Private conversations involving the briefing of an incident with Department personnel was permissible under Special Order No. 12, 2015.

These issues were brought to the attention of Captain J. Mastick, Serial No. 32471, Commanding Officer, Harbor Area, who advised that these issues were addressed through informal counseling for Officer Vocke and Sergeant West. The Commanding Officer of Operations – South Bureau (OSB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Vocke from May 1, 2020 through May 31, 2020, for compliance with BWV policy specific to complete recordings of investigative or enforcement contacts with the public. The results of the inspection revealed that Officer Vocke had no deviations and was in compliance as required.

Required Equipment – Officer Blanco was not in possession of his baton at the time of the incident and indicated it was left in his police vehicle. Officers Vocke and Byrd were not in possession of their HRD.

These issues were brought to the attention of Captain Mastick who advised that Officer Blanco had purchased his own impact device shortly after the incident and no further action would be taken. Officers Vocke and Byrd were each provided with a new HRD by Harbor's Training Unit and no further action would be taken. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Profanity – Officer Millan utilized profanity when he attempted to put his gloves on prior to taking Raymond into custody. Officer Byrd utilized profanity to David while attempting to take him into custody. Sergeant West utilized profanity when telling officer to preserve evidence. Officer Garcia utilized profanity while taking David into custody.

These issues were brought to the attention of Captain Mastick who advised that the issue of Sergeant West's and Officers Millan and Byrd's use of profanity was addressed through informal counseling. Due to Officer Garcia's profanity being directed at David, a Supervisory Action Item (SAI) was created and an Employee Comment Sheet was issued. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Duty Ammunition – Officer Byrd had two rounds of previously authorized duty ammunition which were identified by FID detectives as Winchester Ranger, 9mm, 147 grain SXT cartridges. The two cartridges were loaded in a magazine that also contained the currently authorized Speer Gold Dot G2, 9mm Luger, 147 grain cartridges.

This issue was brought to the attention of Captain Mastick who advised that this issue was addressed by providing Officer Byrd with additional ammunition. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Watch Commander's Daily Report – Lieutenant M. Loomis, Serial No. 27794, Harbor Patrol Division, entered a portion of the times of the involved officers' transportation times and monitoring locations.

Sergeant W. Manlove, Serial No. 36232, Harbor Patrol Division, noted in his Sergeant's Daily Report a transport time for Officers Blanco and Ramos at 1930 hours. However, Lieutenant Loomis's Watch Commander's Daily Report stated a time of 1915 hours.

Sergeant Manlove also noted in his Sergeant's Daily Report a monitoring time for Officers Kisling, Blanco, and Ramos at 1945 hours. However, Lieutenant Loomis's Watch Commander's Daily Report stated a time of 1920 hours.

Sergeant P. Davidson, Serial No. 31105, Harbor Patrol Division, noted in her Sergeant's Daily Report a she monitored an involved officer starting at 1900 hours. Sergeant Davidson did not note who she monitored. However, Lieutenant Loomis's Watch Commander's Daily Report stated a time of 1910 hours and noted Sergeant Davidson monitored Officers Millan, Garcia, and Lindberg.

Sergeant J. Talmage, Serial No, 34671, Harbor Patrol Division, noted in his Sergeant's Daily Report a transport time for two involved officers at 1906 hours. However, Lieutenant Loomis's Watch Commander's Daily Report stated a time of 1910 hours. Additionally, Sergeant Talmage did not note who he monitored. Sergeant Talmage noted he was relieved by Detective R. Knight, Serial No. 34929, at 2018 hours. However, Lieutenant Loomis's Watch Commander's Daily Report noted a time of 2020 hours.

Sergeant M. Cardona, Serial No. 33905, Harbor Patrol Division, noted he monitored involved officers from 2355 hours to 0515 hours. Sergeant Cardona did not note the officers that he monitored on his Sergeant's Daily Report.

These issues were brought to the attention of Captain Mastick who advised that these issues were addressed through training conducted at Harbor Supervisors Training Day. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Protocols Subsequent to a Categorical Use of Force – Officers involved in the OIS were utilized as part of the search team to clear the residence for victims and were seen walking around the scene unmonitored after a Code Four had been broadcast and they had been admonished.

This issue was brought to the attention of Captain Mastick who advised that this issue was addressed through counseling of the sergeants on scene and training conducted at a Harbor Supervisors Training Day. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Visible Tattoos and Branding – Officer Milan, while wearing a short-sleeved uniform shirt, had uncovered tattoos displayed on his upper right arm and wore a full arm sleeve, black in color, on his left arm extending below his elbow.⁷⁸

This issue was brought to the attention of Captain Mastick who advised that this issue was addressed through divisional roll call training and informal counseling with Officer Millan. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Officers Millan's and Kisling's DICVS captured the locations of the witnesses at the time of the incident. It also captured the OIS, their Code Three response, and the Non-Lethal Use of Force.

Officers Byrd and Blanco's DICVS captured their Code Three response and the OIS.

Sergeant Huett's DICVS captured his Code Three response and the OIS.

⁷⁸ Los Angeles Police Department Manual, Volume 3, Section 605.90 - Sworn Department uniformed and plainclothes employees, while on-duty, shall not display any tattoo(s) and/or branding(s). If an officer has a visible tattoo(s)/branding(s) that does not extend below the elbow, the officer may wear a black or flesh-colored sleeve or bandage that does not extend below the elbow... However, if the tattoo/branding is below the elbow area and cannot be covered by a three-inch square skin patch, close to the officer's skin color, the officer shall wear the long-sleeved uniform shirt or business attire, as appropriate for the assignment.

Body Worn Video (BWV) – All Officers and Sergeants at scene had activated their assigned BWV. Each BWV captured the respective officers' OIS and Non-Lethal Use of Force portions. Some parts were not captured due to BWV devices being covered by objects in front of them such as door panels or during the Non-Lethal Use of Force when they were pressed upon by David's arm. Officers Ramos and Byrd's BWV captured the Non-Lethal Use of Force by plain clothes Vice Officers Garcia and Lindberg who were not equipped with BWV.

Outside Video – FID detectives canvassed the area for additional video. Several witnesses came forward with photographs and recordings, via cell phone, and provided the evidence to FID Detective.

Respectfully,






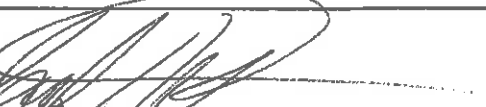


MICHEL R. MOORE
Chief of Police

Date: 7-22-20

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC No. 045-19	CF No.	DR No.
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 1000 Figueroa Street	RD 514	Date of Incident September 23, 2019	Date and Time of Board Review June 22, 2020 1230 Hours
Chairman Deputy Chief M. Baeza, Serial No. 26624	Signature of Approving Board Members: 		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211			
Member (Personnel and Training Bureau) Commander R. Flores, Serial No. 30995			
Member (Bureau) Deputy Chief R. Scott, Serial No. 25512			
Member (Peer) Sergeant D. Trunco, Serial No. 39949			
Member (Peer) Police Officer H. Haile, Serial No. 42436			
Presenting Commanding Officer Captain J. Mastick, Serial No. 32471	NOT REQUIRED		
Notes: AD - COMMAND + CONTROL (TACTICS) - SGT. WEST AD - COMMAND + CONTROL (TACTICS) - SGT. HUETT SGT. STORRES #32569			
Additional Considerations: PER COP - AD SGT HUETT D/E			
Modification to Present Policy, Practices or Training:			
	<input checked="" type="checkbox"/> COP Date Signed: 7/22/20 <input checked="" type="checkbox"/> PC Date Submitted: 7/22/20		

RECEIVED
POLICE DEPARTMENT
2020 JUL 22 AM 10:22

Employee (Last Name, First, Middle) Huett, James		Serial No. 34679	Rank/Class Sergeant I	Incident No. 045-19
Length of Employment 21years, 4 month		Current Division Harbor	Time in Current Division 5 years, 8 months	
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval <i>c/c</i>		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval <i>c/c</i>		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes: <i>S. TORRES #32569</i> <i>S. TORRES #32569</i>				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint		Notes:		
<input type="checkbox"/> Employee's Work History Reviewed				

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) West, Jessie	Serial No. 34310	Rank/Class Sergeant I	Incident No. 045-19
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Length of Employment 22 years, 1 months	Current Division Harbor	Time in Current Division 2 years, 11 months
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Use of Force Review Board	Chief of Police	Police Commission
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Tactics

Does Not Apply

Tactical Debrief

Administrative Disapproval *c/c*

Tactics

Does Not Apply

Tactical Debrief

Administrative Disapproval *c/c*

Tactics

Does Not Apply

Tactical Debrief

Administrative Disapproval

Drawing and Exhibiting the Firearm

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Unintentional Discharge

Does Not Apply

Accidental

Negligent (Administrative Disapproval)

Unintentional Discharge

Does Not Apply

Accidental

Negligent (Administrative Disapproval)

Unintentional Discharge

Does Not Apply

Accidental

Negligent (Administrative Disapproval)

Other Issues

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Other Issues

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Other Issues

Does Not Apply

In Policy (No Further Action)

Out of Policy (Administrative Disapproval)

Notes: *STOARES #32569* *S. TORRES #32569*

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining

Notice to Correct Deficiencies

Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Byrd, Sterling		Serial No. 41343	Rank/Class Police Officer III	Incident No. 045-19
Length of Employment 6 years, 4 months		Current Division Harbor	Time in Current Division 4 years, 0 months	
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) #2 <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) #1		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) #2 <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) #1		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

*DATE OF USE OF FORCE
NO LETHAL
FRAGMENTS
SAFETY*

*DATE OF USE OF FORCE
NO LETHAL
FRAGMENTS
SAFETY*

Notes: *S. TORRES #32569* *S. TORRES #32569*

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Vocke, Matthew	Serial No. 37062	Rank/Class Police Officer II	Incident No. 045-19
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Length of Employment 16 years, 1 month	Current Division Harbor	Time in Current Division 3 years, 0 months
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval <i>NO CONF</i>	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval <i>NO CONF</i>	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: *S. TORRES #32569* *S. TORRES #32569*

Final Adjudication for Out of Policy/ Administrative Disapproval Finding

Extensive Retraining

Notice to Correct Deficiencies

Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle)
Blanco, Jorge

Serial No.
41341

Rank/Class
Police Officer II

Incident No.
045-19

Length of Employment
6 years, 4 months

Current Division
Harbor

Time in Current Division
0 years, 1 months

Use of Force Review Board

Chief of Police

Police Commission

Tactics

- Does Not Apply
 - Tactical Debrief
 - Administrative Disapproval
- FORGOTTEN
+ PROGRAM
OVERDUE*

Tactics

- Does Not Apply
 - Tactical Debrief
 - Administrative Disapproval
- FORGOTTEN
PROGRAM OVERDUE*

Tactics

- Does Not Apply
- Tactical Debrief
- Administrative Disapproval

Drawing and Exhibiting the Firearm

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Unintentional Discharge

- Does Not Apply
- Accidental
- Negligent (Administrative Disapproval)

Unintentional Discharge

- Does Not Apply
- Accidental
- Negligent (Administrative Disapproval)

Unintentional Discharge

- Does Not Apply
- Accidental
- Negligent (Administrative Disapproval)

Other Issues

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Other Issues

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Other Issues

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Notes:

STORRES #32569

STORRES #32569

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

- Extensive Retraining
- Notice to Correct Deficiencies
- Personnel Complaint
- Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Ramos, Keno	Serial No. 42173	Rank/Class Police Officer II	Incident No. 045-19
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Length of Employment 4 years, 2 months	Current Division Harbor	Time in Current Division 0 years, 7 months
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: S. TORRES # 32569

S. TORRES # 32569

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Millan, Diego	Serial No. 42169	Rank/Class Police Officer II	Incident No. 045-19
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Length of Employment 4 years, 2 months	Current Division Harbor	Time in Current Division 0 years, 2 months
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: *S. TORRES #32569* *S. TORRES #32569*

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Kisling, Paige	Serial No. 43412	Rank/Class Police Officer II	Incident No. 045-19
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Length of Employment 1 year, 8 months	Current Division Harbor	Time in Current Division 0 years, 1 month
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Use of Force Review Board	Chief of Police	Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: S. TORRES #32569 S. TORRES #32569

<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint
<input type="checkbox"/> Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Garcia, Hugo	Serial No. 36589	Rank/Class Police Officer III	Incident No. 045-19
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Length of Employment 16 years, 11 months	Current Division Harbor	Time in Current Division 2 years, 11 months
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Use of Force Review Board	Chief of Police	Police Commission
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Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: *S. TORRES #32569* *J. TORRES #32569*

Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed
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Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Lindberg, Christopher	Serial No. 41649	Rank/Class Police Officer II	Incident No. 045-19
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Length of Employment 5 years, 4 months	Current Division Harbor	Time in Current Division 3 years, 0 months
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Use of Force Review Board	Chief of Police	Police Commission
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Tactics

Does Not Apply
 Tactical Debrief
 Administrative Disapproval

Tactics

Does Not Apply
 Tactical Debrief
 Administrative Disapproval

Tactics

Does Not Apply
 Tactical Debrief
 Administrative Disapproval

Drawing and Exhibiting the Firearm

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Unintentional Discharge

Does Not Apply
 Accidental
 Negligent (Administrative Disapproval)

Unintentional Discharge

Does Not Apply
 Accidental
 Negligent (Administrative Disapproval)

Unintentional Discharge

Does Not Apply
 Accidental
 Negligent (Administrative Disapproval)

Other Issues

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Other Issues

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Other Issues

Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Notes: *S. TORRES # 32569* *S. TORRES # 32569*

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.